

Exhibit 5

KEVIN WALSH 2/9/2017

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1	UNITED STATES DISTRICT COURT 2 EASTERN DISTRICT OF MISSOURI 3 EASTERN DIVISION 4 --o0o-- 5 DWAYNE FURLOW, et al.,) 6 Plaintiff) 7 vs.)Case No. 8 JON BELMAR, et al.,)4:16-cv-00254-CEJ 9 Defendants.) 10 _____) 11 VIDEO-RECORDED DEPOSITION OF 12 KEVIN WALSH 13 _____ 14 February 9, 2017 15 _____ 16 (Beginning at 9:31 a.m.) 17 18 19 20 21 22 23 24 25	1 Exhibit A Document entitled "St. Louis 148 2 County CAD Call Search 3 Application" 4 (The original exhibits were retained by the court 5 reporter and will be copied and attached to copies 6 of the transcript.) 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25
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2	INDEX 3 PAGE 4 5 EXAMINATION BY MR. HAMILTON8 6 EXAMINATION BY MR. HUGHES143 7 FURTHER EXAMINATION BY MR. HAMILTON173 8 9 EXHIBITS 10 Exhibit 1 Document on REJIS letterhead 62 11 entitled "Wanted Entry" Bates 12 stamped DEFRFP40000001 13 Exhibit 2 Document on REJIS letterhead 62 14 entitled "Law Enforcement Wanted 15 Entry" Bates stamped 16 DEF-SUPP0000022 17 Exhibit 3 Department General Order 11-26 101 18 Bates stamped DEFRFP2340000013 19 Exhibit 4 Department General Order 15-26 104 20 Bates stamped DEFRFP234000017 21 Exhibit 5 Department General Order 16-26 110 22 Bates DEFRFP234000022 23 Exhibit 6 Police report Bates stamped 115 24 DEFRFP1000014	1 UNITED STATES DISTRICT COURT 2 EASTERN DISTRICT OF MISSOURI 3 EASTERN DIVISION 4 --o0o-- 5 DWAYNE FURLOW, et al.,) 6) 7) 8 Plaintiff) 9 vs)Case No 10 JON BELMAR, et al.,)4:16-cv-00254-CEJ 11 Defendants) 12 _____ 13 --o0o-- 14 VIDEO-RECORDED DEPOSITION OF KEVIN WALSH, 15 produced, sworn, and examined on Thursday, February 16 9, 2017, taken on behalf of the Plaintiffs, at the 17 offices of Midwest Litigation Services, 711 North 18 11th Street, in the City of St Louis, State of 19 Missouri, before RENÉE COMBS QUINBY, a Certified 20 Court Reporter (MO), Certified Shorthand Reporter 21 (CA), Registered Merit Reporter, Certified Realtime 22 Reporter, and a Notary Public within and for the 23 State of Missouri 24 25

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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	<p>APPEARANCES</p> <p>FOR THE PLAINTIFFS:</p> <p>Blake Strode, Esq. ArchCity Defenders, Inc. 1210 Locust Street St. Louis, MO 63103 (855)724-2489 bstrode@archcitydefenders.org</p> <p>Timothy Holland, Esq. Elizabeth Grossman, Esq. Jonathan Wall, Esq. Charles Hamilton, Esq. Paul, Weiss, Rifkind, Wharton & Garrison LLP 1285 Avenue of the Americas New York, NY 10019-6064 (212)373-3373 tholland@paulweiss.com egrossman@paulweiss.com jwall@paulweiss.com chamilton@paulweiss.com</p>	<p>--oOo--</p> <p>IT IS HEREBY STIPULATED AND AGREED by and between counsel for the Plaintiffs and counsel for the Defendants, that this deposition may be taken in machine shorthand by RENÉE COMBS QUINBY, a Certified Court Reporter and Notary Public, and afterwards transcribed into typewriting, and the signature waived by agreement of Counsel and consent of the Witness.</p> <p>--oOo--</p> <p>PROCEEDINGS 9:31 a.m.</p> <p>--oOo--</p> <p>THE VIDEOGRAPHER: We are now on the record. Today's date is February the 9th, 2017. The time is approximately 9:32 a.m.</p> <p>This is the video-recorded deposition of Kevin Walsh, in the matter of Furlow, et al. versus Belmar, et al., Case Number 4:16CV00245CEJ in the United States District Court for the Eastern District of Missouri.</p> <p>This deposition is being held at Midwest Litigation Services in St. Louis, Missouri. The reporter's name is Renée Quinby. My name is David Doell, and I'm the legal videographer. We're here with Midwest Litigation Services.</p>
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	FOR THE DEFENDANTS:	Page 8
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	<p>Michael E. Hughes, Esq. St. Louis County Counselor's Office 41 S. Central Avenue, 9th Floor Clayton, MO 63105 (314)615-7042 mhughes2@stlouisco.com</p> <p>THE VIDEOGRAPHER:</p> <p>David Doell Midwest Litigation Services 711 North 11th Street St. Louis, MO 63101 (314)644-2191</p> <p>COURT REPORTER:</p> <p>RENÉE COMBS QUINBY, RMR, CRR CSR (CA) #11867 CCR (MO) #1291 Midwest Litigation Services 711 North 11th Street St. Louis, MO 63101 (314)644-2191</p>	<p>Will the attorneys present please introduce yourselves.</p> <p>MR. HAMILTON: My name is Charles Hamilton from Paul, Weiss. I'm joined with my colleague Jonathan Wall, Elizabeth Grossman and Tim Holland. I'm also joined by cocounsel who I'll have introduce himself.</p> <p>MR. STRODE: Blake Strode with ArchCity Defenders, also for the plaintiffs.</p> <p>MR. HUGHES: Oh, I'm Michael Hughes, sorry. I represent Kevin Walsh. I also represent Laura Clements and Chris Partin and Chief Belmar in his official capacity, and St. Louis County, Missouri.</p> <p>THE VIDEOGRAPHER: If the court reporter would please swear in the witness, we may proceed.</p> <p>KEVIN WALSH, of lawful age, having been first duly sworn to testify to the truth, the whole truth, and nothing but the truth in the case aforesaid, deposes and says in reply to oral interrogatories propounded as follows, to-wit:</p> <p>--oOo--</p> <p>EXAMINATION</p>

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1 BY MR. HAMILTON: 2 Q. Good morning, Officer Walsh. 3 A. Good morning. 4 Q. My name is Charles Hamilton, and I'll 5 be asking you some questions today. I'm one of the 6 attorneys representing the plaintiffs in this 7 action, including Dwayne Furlow, Howard Liner, and 8 Ralph Torres. 9 When I ask you questions today, if for 10 any reason you think that my question is vague or 11 confusing, please tell me and I'll rephrase it. And 12 otherwise, I'll assume you've heard and understood 13 the question. Is that all right? 14 A. Yes. 15 Q. Is there any reason such as a medical 16 condition or the influence of any substance that it 17 would affect your ability to testify fully and 18 truthfully today? 19 A. No. 20 Q. Will you tell me if that changes at all 21 over the course of our deposition? 22 A. Yes. 23 Q. For the sake of efficiency and to get 24 you out of here and get all of us out of here as 25 quickly as possible, there are a couple of ground	1 go back to that and you can complete your testimony; 2 is that all right? 3 A. Yes. 4 Q. Third, we can take a break at your 5 leisure. Hopefully this room won't get too hot. 6 But if at any point you need to use the restroom or 7 just need a break, please let me know. The only 8 question I ask -- or the only request I have is that 9 if we're in the middle of a question, if you'll just 10 let us complete that question before you request a 11 break; is that all right? 12 A. Yes. 13 Q. Lastly, are you represented by 14 Mr. Hughes today? 15 A. Yes. 16 Q. At particular times he may object to a 17 line of questioning that I ask. If he does, unless 18 he instructs you not to answer, you may proceed to 19 answer the question. The objection is for the 20 purposes of the record. Do you understand? 21 A. Yes. 22 Q. Do you understand that I'm going to ask 23 you questions today in connection with a legal case? 24 A. Yes. 25 Q. And do you understand that you are
1 rules that I'm going to cover, and I apologize if 2 they're duplicative. You've been deposed before. 3 I'm just going to run through them pretty quickly. 4 First, as you can see, we do have a 5 court reporter here with us today trying to take 6 down everything that we say. She's only one person. 7 We are a couple. And if you include Mr. Hughes, 8 that's three of us. If all of us are talking at the 9 same time, basically makes it impossible for her to 10 capture and attribute the correct statements to the 11 correct people. So it's going to be a little bit 12 weird, but I'm going to do my best to not talk over 13 you, if you'll do the same for me. Is that all 14 right? 15 A. Yes. 16 Q. Second, as you were just told by the 17 court reporter, you are on the record and under 18 oath. So it's important that you provide accurate 19 and truthful testimony and in as complete a manner 20 as you possibly can. 21 If at any point in time over the course 22 of the deposition, even if a line of questioning has 23 passed, you realize that there's something you 24 forgot or something that you wanted to complete, you 25 can always feel free to alert me of that and we can	1 defendant -- a defendant in that legal case? 2 A. Yes. 3 Q. What is your understanding of the legal 4 case? 5 A. Challenging the wanted system. 6 Q. And have you read the complaint or any 7 of the materials that have been filed in court? 8 A. Yes. 9 Q. What materials have you read? 10 A. The complaint. 11 Q. Anything else? 12 A. I believe the interrogatory. 13 Q. Okay. Anything else? 14 A. (Shakes head.) 15 Q. Have you ever been deposed before? 16 A. No. 17 Q. Okay. Officer Walsh -- and just to 18 confirm, is it all right if I refer to you as 19 Officer Walsh? Is there -- 20 A. Yes. 21 Q. -- a better designation? 22 Thank you. 23 How did you learn that you were being 24 asked to testify in this matter? 25 A. I was contacted by Mr. Hughes.

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<p style="text-align: center;">Page 13</p> <p>1 Q. And how did -- what did you do, if 2 anything, to prepare for today's deposition?</p> <p>3 A. Read the reports that -- my contact 4 with Mr. Furlow and the complaint.</p> <p>5 Q. Okay. Did you meet with your attorney?</p> <p>6 A. I did.</p> <p>7 Q. About how many times did you meet with 8 Mr. Hughes?</p> <p>9 A. Roughly three.</p> <p>10 Q. About when?</p> <p>11 MR. HUGHES: In -- in preparation for 12 the deposition is what he asked.</p> <p>13 THE WITNESS: Just one then.</p> <p>14 BY MR. HAMILTON:</p> <p>15 Q. Just one.</p> <p>16 About when was that time that you met 17 with Mr. Hughes to discuss this case?</p> <p>18 A. Last week.</p> <p>19 Q. And in addition to the documents that 20 we've already mentioned, did you review any 21 documents during these -- during this meeting?</p> <p>22 A. Could you -- could you re- --</p> <p>23 Q. I apologize.</p> <p>24 A. -- clarify?</p> <p>25 Q. Did you review any documents outside of</p>	<p style="text-align: center;">Page 15</p> <p>1 Q. So is it fair to say it's word of mouth 2 over email? Is there anything else?</p> <p>3 A. No.</p> <p>4 Q. Okay. Did someone collect documents or 5 files from you related to this litigation?</p> <p>6 A. No.</p> <p>7 Q. So just to be clear, the records that 8 you reviewed with Mr. Hughes and the CAD report, 9 these were documents that -- that you did not 10 provide. They were housed on some other system; is 11 that correct?</p> <p>12 A. Could you clarify?</p> <p>13 Q. Sure.</p> <p>14 That the documents that you referred to 15 in terms of what you reviewed for today's 16 deposition, none of those were ones that you 17 personally collected from your email or any other 18 database?</p> <p>19 A. No.</p> <p>20 Q. Okay. Are you familiar with Detective 21 Laura Clements?</p> <p>22 A. No.</p> <p>23 Q. Are you familiar with Officer 24 Christopher Partin?</p> <p>25 A. No.</p>
<p style="text-align: center;">Page 14</p> <p>1 Q. Is -- what does CAD stand for?</p> <p>2 A. Computer-automated, I believe,</p> <p>3 service.</p> <p>4 Q. And just briefly, could you describe 5 what a -- what a CAD report is?</p> <p>6 A. It shows calls for service to a -- a</p> <p>7 residence.</p> <p>8 Q. Okay. Do you have a work-related email 9 address, Officer Walsh?</p> <p>10 A. Yes.</p> <p>11 Q. Have you communicated with others 12 within your police department about this case over 13 that email address?</p> <p>14 A. No.</p> <p>15 Q. Have you communicated with others in 16 your department about this case in general?</p> <p>17 A. No.</p> <p>18 Q. And what other means of communication 19 do you typically use to communicate work-related 20 matters?</p> <p>21 A. Word of mouth.</p>	<p style="text-align: center;">Page 16</p> <p>1 Q. Are you familiar with Chief Jon Belmar?</p> <p>2 A. Yes.</p> <p>3 Q. How do you know Chief Jon Belmar?</p> <p>4 A. He's the Chief of Police of the</p> <p>5 department that I work for.</p> <p>6 Q. Have you worked at all with him 7 directly?</p> <p>8 A. No.</p> <p>9 Q. Have you spoken with him outside 10 of -- strike that.</p> <p>11 Have you ever spoken directly to him 12 face-to-face, one-on-one?</p> <p>13 A. Yes.</p> <p>14 Q. What were the occasions for you to have 15 those one-on-one conversations?</p> <p>16 A. It was the end of probation period,</p> <p>17 meeting with the chief to discuss my year, and I</p> <p>18 think just other random events that St. Louis County</p> <p>19 puts on.</p> <p>20 Q. What types of events were those?</p> <p>21 A. Christmas party or things of that</p> <p>22 nature.</p> <p>23 Q. Are these type -- the types of 24 conversations that Chief Belmar has with other sort 25 of probationary officers?</p>

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<p style="text-align: center;">Page 17</p> <p>1 A. Yes. 2 Q. Okay. Would you describe it as like a 3 check-in? 4 A. Yes. 5 Q. Is this the type of conversation that 6 happens annually? 7 A. No. 8 Q. And during that conversation, did you 9 discuss your performance at all? 10 A. Yes. 11 Q. What aspects of your performance did 12 you two discuss? 13 A. My demeanor in the -- in the police 14 department, how he believed that I was perceived by 15 other officers, supervisors, and then just general 16 things that maybe the department could do to -- to 17 grow. 18 Q. Was this -- was this conversation -- 19 did you perceive this conversation to be an 20 evaluation of any sort? 21 A. Yes. 22 Q. Do you know if it was recorded in any 23 file or documentation? 24 A. I'm unaware. 25 Q. Do you recall whether Chief Belmar was</p>	<p style="text-align: center;">Page 19</p> <p>1 Q. And so you chose to participate? 2 A. Yes. 3 Q. Officer Walsh, do you know Dwayne 4 Furlow? 5 A. I do. 6 Q. How do you know Mr. Furlow? 7 A. Calls for service to his residence. 8 Q. About how many times have you received 9 calls for service to his residence? 10 A. Roughly five, six. 11 Q. Have you had any communications with 12 Mr. Furlow since this case was filed in February, 13 2016? 14 A. Yes. 15 Q. What would have been the nature of 16 those encounters? 17 A. It was calls for service to his 18 residence for destruction of properties, I believe 19 disturbances, and keep the peace with Division of 20 Family Services. 21 Q. Do you know either of the other named 22 defendants in this matter, Ralph Torres or Harold 23 Liner? 24 A. No. 25 Q. What was your reaction --</p>
<p style="text-align: center;">Page 18</p> <p>1 taking notes during that conversation? 2 A. I don't believe he was. 3 Q. Where did you have that conversation? 4 A. His office. 5 Q. And have you had occasion to meet or 6 talk with Chief Jon Belmar outside of the St. Louis 7 County Police Department offices? 8 A. Yes. 9 Q. What occasions have those been? 10 A. The functions of Christmas parties or a 11 BackStopper event, things of that nature. 12 Q. What is a BackStopper event? 13 A. It's a local charity organization that 14 supports law enforcement and first responders. 15 Q. And what type of activities or events 16 do they hold? 17 A. Boxing matches, car shows, other 18 assortment of -- of charity functions that -- I 19 could probably go on and on. 20 Q. And how did you get -- or strike that. 21 Are all officers involved in these 22 types of events? 23 A. They can be if they want. It's up to 24 their discretion if they choose to -- to 25 participate.</p>	<p style="text-align: center;">Page 20</p> <p>1 MR. HUGHES: Excuse me. Maybe I heard 2 you wrong, but I thought you said, Do you know the 3 other defendants, Mr. Liner, but you meant the 4 plaintiffs; is that right? 5 MR. HAMILTON: I apologize. 6 MR. HUGHES: If I heard it wrong -- 7 MR. HAMILTON: No. You've got -- 8 you've got that correct. 9 MR. HUGHES: -- but maybe I did. 10 MR. HAMILTON: Thank you. Thank you, 11 Mr. Hughes. That's correct. 12 Q. The other plaintiffs, Ralph Torres or 13 Harold Liner, do you know either of them? 14 A. No. 15 Q. Thank you. 16 Officer Walsh, what was your reaction 17 upon learning that you were named as a defendant in 18 this matter? 19 A. Confused. 20 Q. Why? 21 A. Never been sued before. 22 Q. That's fair. 23 Okay. So let's walk through some of 24 your professional background, starting with 25 education.</p>

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<p style="text-align: center;">Page 21</p> <p>1 Officer Walsh, have you ever been known 2 by another name?</p> <p>3 A. No.</p> <p>4 Q. Okay. Could you state your educational 5 background going in reverse from -- not in reverse 6 but let's start at the end of high school and coming 7 up to the most recent education that you've 8 received.</p> <p>9 A. High school diploma, bachelor's degree, 10 and then a graduate of the St. Louis County Police 11 Academy.</p> <p>12 Q. Can you go back through each of those 13 and -- and tell me -- tell us where you received 14 each of those educational experiences?</p> <p>15 A. In 2005 it was Christian Brothers 16 College High School.</p> <p>17 And in 2010, it was Harris-Stowe State 18 University.</p> <p>19 Q. What was your major?</p> <p>20 A. Criminal justice.</p> <p>21 Q. Did you know at that point that you 22 wanted to be a police officer?</p> <p>23 A. No.</p> <p>24 Q. What did you do after graduating from 25 college?</p>	<p style="text-align: center;">Page 23</p> <p>1 offender may have occurred while on probation or 2 parole.</p> <p>3 Q. And where were you based during this 4 time?</p> <p>5 A. Downtown St. Louis.</p> <p>6 Q. And what was your -- do you have a 7 jurisdiction in that job, like a --</p> <p>8 A. Yes. It was primarily everything from 9 the Wainwright Building north up until the 63147 ZIP 10 code which is right about the county/city line.</p> <p>11 Q. Okay. So I'm not from here, so give me 12 a sense of how long would it take to drive from the 13 farthest two points of that jurisdiction, just to 14 get a sense of how big that is.</p> <p>15 A. Roughly 20 minutes.</p> <p>16 Q. Okay. Okay.</p> <p>17 MR. HUGHES: Just so you know, in 18 St. Louis, everything is about 20 minutes away. 19 Sometimes 30.</p> <p>20 MR. HAMILTON: Starting to gather that. 21 Of course with no traffic.</p> <p>22 Q. And how long did you hold this 23 position?</p> <p>24 A. I was an intern for six months, and 25 then I worked there, I believe, about a year and a</p>
<p style="text-align: center;">Page 22</p> <p>1 A. I became a probation parole officer for 2 the State of Missouri.</p> <p>3 Q. Tell me about that experience. How did 4 you come to apply for that job?</p> <p>5 A. It was something that I was interested 6 in. I met the requirements, took their exam, 7 passed, and graduated the Missouri Department of 8 Corrections along the lines of a -- of Academy. I 9 don't know the correct term for it.</p> <p>10 Q. When you say you "met the 11 requirements," what were those requirements?</p> <p>12 A. They were looking for college -- 13 college degrees. Off the top of my head, I -- I 14 wouldn't be able to give you much more than that. 15 I'm sorry.</p> <p>16 Q. Sure.</p> <p>17 And what did your -- what did that job 18 entail?</p> <p>19 A. It was to monitor, investigate 20 felony -- offenders that were on Missouri probation 21 and/or parole for felony crimes, to investigate 22 their family as a suitable home for this person to 23 live. It was to institute drug treatment if need -- 24 if needed, and it was also to investigate possible 25 employment and any other violations that the</p>	<p style="text-align: center;">Page 24</p> <p>1 half.</p> <p>2 Q. Okay. Were there significant changes 3 in responsibilities as an intern and as a full-time 4 probation officer?</p> <p>5 A. No.</p> <p>6 Q. Okay. And at some point that 7 employment ended. What did you do after that?</p> <p>8 A. I enrolled into the St. Louis County 9 Police Academy.</p> <p>10 Q. And so was it during your time as a 11 probationary officer -- or a probation officer, 12 excuse me, that you realized you wanted to join the 13 police force?</p> <p>14 A. Yes.</p> <p>15 Q. And so help me chronologically. About 16 what year was it that you decided to -- to join the 17 St. Louis County police force?</p> <p>18 A. It would have been 2012.</p> <p>19 Q. Okay. And so what -- what was that 20 process like? You -- presumably you applied?</p> <p>21 A. Yes.</p> <p>22 Q. And how long -- what was the 23 application process?</p> <p>24 A. It was a written application. After 25 that there were written tests, verbal tests, a</p>

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<p>1 physical fitness test, background investigation, 2 polygraph test, and ultimately a board panel 3 interview with the higher ranking St. Louis County 4 police officers.</p> <p>5 Q. How did that compare to the -- to the 6 application process for serving as a probation 7 officer?</p> <p>8 A. Night and day.</p> <p>9 Q. Night and day?</p> <p>10 A. Yes.</p> <p>11 Q. Much more comprehensive?</p> <p>12 A. Yes.</p> <p>13 Q. And then so how long did it take from 14 applying to become a police officer to learning that 15 you'd been accepted to the Academy?</p> <p>16 A. I'd say roughly six months.</p> <p>17 Q. Okay. At which point you began -- did 18 you immediately start the St. Louis -- strike that.</p> <p>19 At that point did you immediately begin 20 enrollment in the Police Academy?</p> <p>21 A. Yes.</p> <p>22 Q. And so now what year was that?</p> <p>23 A. 2013.</p> <p>24 Q. Okay. Do you remember the month?</p> <p>25 A. It would have been June.</p>	<p>1 A. Yes.</p> <p>2 Q. So at that point, what was your -- what 3 was your position or title with the St. Louis County 4 police force?</p> <p>5 A. Probationary police officer.</p> <p>6 Q. And how long were you a probationary 7 police officer?</p> <p>8 A. One year.</p> <p>9 Q. Is that standard?</p> <p>10 A. Yes.</p> <p>11 Q. And what does it mean to be a 12 probationary police officer?</p> <p>13 A. It pretty much means you don't have the 14 protections outside of the police department with 15 the Police Officers's Association necessarily, and 16 that you have to meet a certain criteria to get off 17 probation that the police department sets up.</p> <p>18 Q. Do you know what that -- what that 19 criteria is?</p> <p>20 A. Successful completion of field 21 training.</p> <p>22 Q. Okay. So what is field training?</p> <p>23 A. Field training is when you're with a 24 senior officer. That senior officer is responsible 25 for maintaining not only your -- your -- your case</p>
<p>1 Q. June, 2013 you started the St. Louis 2 County Police Academy?</p> <p>3 A. Yes.</p> <p>4 Q. And how long did that -- did your time 5 at the Academy last?</p> <p>6 A. Six months.</p> <p>7 Q. Were you on a campus? Did you commute 8 from where you lived?</p> <p>9 A. Yes.</p> <p>10 Q. Which one of those? Excuse me.</p> <p>11 A. I commuted.</p> <p>12 Q. And what did -- talk to us about 13 what -- what sort of Academy training entailed over 14 the course of that six months.</p> <p>15 A. It was very comprehensive. Not only 16 was it academic but it was physical. "Academic" 17 being from -- everything from how to write a 18 accident report up to a homicide investigation.</p> <p>19 Q. Okay. I want to come back to the 20 Academy a little bit because that's -- that's going 21 to be an interesting conversation, but I want to get 22 through -- so you -- you spent six months at the 23 Academy. So that takes us to the end of 2013 when 24 you completed your time at the Academy; is that 25 correct?</p>	<p>1 file, personal case file, of meeting the standards 2 that St. Louis County has set up being that certain 3 reports have to be written, certain guidelines have 4 to be met of -- sorry. I'm trying to find the 5 best -- best phrasing.</p> <p>6 Q. Yeah.</p> <p>7 A. But just like any -- any other line of 8 work, pretty much going back to school and learning 9 the trade.</p> <p>10 Q. Yeah. Are you aware of what -- did you 11 ever become aware of what the requirements are to 12 serve as a -- as a field instructor? Did I get that 13 term right?</p> <p>14 A. Yes.</p> <p>15 Q. Do you know -- did you ever learn what 16 those requirements are? How much more senior you 17 have to be? Is there certain training involved 18 there?</p> <p>19 A. Yes. It's a one-week completion of a 20 field training school, and it is picked upon by your 21 immediate supervisors of who is designated a field 22 trainer.</p> <p>23 Q. And is there -- do you have to reach a 24 certain level of seniority in terms of years in the 25 force until you can be sort of nominated to be a</p>

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<p style="text-align: right;">Page 29</p> <p>1 field instructor? 2 A. No. 3 Q. You just can't be a probationary 4 officer? 5 A. Correct. 6 Q. And is it -- is it the case that your 7 field instructor sort of goes on every call with you 8 and assists in sort of all facets of the job during 9 your probationary period? 10 A. Yes. 11 Q. And is there a -- is there an 12 evaluation or a review process from the field 13 instructor to you, the probationary officer? 14 A. Yes. 15 Q. How often does that happen? 16 A. At the end of every phase, and there 17 are four phases. 18 Q. And so are all phases equal in terms of 19 duration? 20 A. No. 21 Q. So how long is each phase? 22 A. The first phase is five weeks. The 23 second phase is three. The third phase is four. 24 And I believe the fourth phase is three as well. 25 Q. Three week -- and those latter ones</p>	<p style="text-align: right;">Page 31</p> <p>1 necessarily looking over you but checking in with 2 you to make sure that there's nothing that they can 3 help you with or investigations that they could help 4 further with you. There are some field trainers 5 that kind of just let you go. My three field 6 trainers were pretty hands-on. 7 Q. Who were your three field trainers? 8 A. Officer Mumford. 9 Q. How do you spell that? 10 A. M-u-m-f-o-r-d. 11 Q. Okay. 12 A. Officer Wojchiuh -- W-o -- I'm not even 13 going to spell it right, but W-o-j-c-h-i-u-h, I 14 believe. 15 Q. Okay. 16 A. And Officer King. 17 Q. Officer King? 18 A. King. 19 Q. So once you're finished with your 17 20 weeks -- well, how -- how do those three field 21 training officers divide between your 17 weeks? 22 A. The first five weeks were with Officer 23 Mumford. 24 Q. Uh-huh. 25 A. And then three weeks were with Officer</p>
<p style="text-align: right;">Page 30</p> <p>1 you're talking about, when you're stating three, 2 you're talking about months? 3 A. Three weeks. 4 Q. Weeks? 5 A. Yes, sir. 6 Q. Oh, excuse me. So I apologize. 7 Let's -- let's do this again. 8 So the phases -- how long are all four 9 phases all together? 10 A. I believe -- 17 weeks I believe. 11 Q. Okay. So is it -- is it correct that 12 you're a probationary officer, and immediately once 13 you start your time as a probationary officer, you 14 start in Phase One, and you go through those four 15 phases in a manner of 17 weeks. So after you 16 finished those four phases, you're a probationary 17 officer still, but you're no longer assisted as 18 comprehensively by your field instructor; is that 19 correct? 20 A. Yes. 21 Q. And so what does your relationship 22 become with your field instructor after those 17 23 weeks? 24 A. Pretty much what you want to make of 25 it. Some field trainers are still out there, not</p>	<p style="text-align: right;">Page 32</p> <p>1 King, four weeks were with Officer Wojchiuh, and 2 then I returned to Officer Mumford for the fourth 3 phase. And I believe it was the additional three. 4 Q. And so after you finished those 17 5 weeks, which field instructor do you go to when 6 you -- or who are you assisted by of those three? 7 A. It's all verbal so I'm not 8 necessarily -- nobody physically checks in. 9 Q. Uh-huh. 10 A. But Officer Mumford and Officer King 11 worked in my precinct. Officer Wojchiuh did not 12 work in my precinct. 13 Q. And did they -- did they continue to 14 have check-in conversations or evaluations of you 15 during your probationary period? 16 A. Not evaluations but check-in. 17 Q. And were those more ad hoc sort, of at 18 your discretion or their discretion? 19 A. Yes. 20 Q. So if I've got my math right, in about 21 2015 you've -- the beginning of 2015, you've 22 completed your probationary period? 23 A. Yes. 24 Q. And what is your title then? 25 A. Police officer.</p>

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Page 33	Page 35
<p>1 Q. And has that been your title -- is that 2 your title today? 3 A. No. 4 Q. What is your title today? 5 A. Detective. 6 Q. So when did you achieve the rank of 7 detective? 8 A. It was July of '16. 9 Q. So tell me a little bit about your 10 day-to-day as a -- as a police officer I guess for 11 the -- for the year and a half that you were a 12 police officer, starting in early 2015 to the middle 13 of July of 2016. And I guess just give me a sense 14 of what does your typical day look like? 15 A. There's nothing necessarily typical. 16 But answering radio calls that are dispatched by 17 St. Louis County Police communications, calls for 18 services for accidents, calls for service for 19 shopliftings, robberies, domestics, rape, homicides, 20 and then also self-initiated assignments that I use 21 my discretion on of making traffic stops or 22 pedestrian checks or business contacts, business 23 checks, things of that nature. 24 Q. The self-initiated work that you just 25 described, how did you determine when you were going</p>	<p>1 A. Yes. 2 Q. Is it verbal or written guidance? 3 A. It is written. 4 Q. Do you know where it's written? 5 A. In our general order. 6 Q. Okay. Do you know which general order? 7 A. I do not. 8 Q. During your time as a police officer, 9 who did you -- who did you immediately report to? 10 A. The sergeants and then to the 11 lieutenant. 12 Q. Who is your -- during your year and a 13 half, who was your sergeant? Did you have just one? 14 A. No. There are three per platoon. In 15 that year and a half I had switched platoons, so 16 there are at least six, probably more. 17 Q. Okay. And when you report to these 18 sergeants, is there any one in particular that you 19 are closer to hierarchically, or as a practical 20 matter did you -- well -- strike that. 21 Were you divided amongst the sergeants 22 in any type of way? 23 A. No. 24 Q. As a practical matter, did you work 25 more closely with one of the particular sergeants</p>
<p style="text-align: center;">Page 34</p> <p>1 to do those or when you were going to dedicate time 2 for that? 3 A. It all depended on the precinct. So on 4 some days, we're pretty busy, and you don't have 5 time to do anything self-initiated. There's other 6 times where there is no assist car close to you, so 7 it puts officers at a disadvantage. Pretty 8 dangerous being on your own. So a little more 9 reluctant to do self-initiated assignments if 10 there's no other officers in service around you. 11 Q. During this time, did you have a 12 partner? 13 A. No. 14 Q. And so when you went -- when you 15 responded to calls for service, you tended to 16 respond to them just yourself? 17 A. Depending on the nature of the call, 18 but, yes. 19 Q. So what is the -- what factors would -- 20 would sort of militate in favor of going alone 21 versus going with someone else? 22 A. Disturbances, fights, domestics, 23 shootings, things of that nature require two cars. 24 Q. When you say "require two cars," is 25 that in some sort of guidance that you received?</p>	<p style="text-align: center;">Page 36</p> <p>1 over the others? 2 A. No. Sergeants kind of fluctuate so ... 3 Q. During your time as a police officer, 4 did anyone report to you? 5 A. No. 6 Q. During your time as a police officer, 7 did you ever serve as a field instructor? 8 A. Yes. 9 Q. At what point did you serve as a field 10 instructor? 11 A. I believe it was after my second year, 12 my second full year as a police officer. 13 Q. So that would have been the beginning 14 of '16? 15 A. Yes. 16 Q. And is this how you know about the 17 one-week training for field instructors? 18 A. Yes. 19 Q. And what did that training entail? 20 A. It entailed management of people, 21 personalities, how to overcome obstacles that a 22 young police officer or a supervisor might entail. 23 Q. Uh-huh. 24 A. Or might encounter. 25 Q. Were there any materials that you</p>

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<p style="text-align: right;">Page 37</p> <p>1 received during this instruction?</p> <p>2 A. Yes.</p> <p>3 Q. Do you have any of those materials</p> <p>4 still?</p> <p>5 A. I believe I do.</p> <p>6 MR. HAMILTON: Okay. Mr. Hughes, if</p> <p>7 you don't mind, at some point we'd like to see those</p> <p>8 materials, if possible.</p> <p>9 MR. HUGHES: We'll talk about it. But</p> <p>10 I mean, I don't care but ...</p> <p>11 BY MR. HAMILTON:</p> <p>12 Q. And did you take any notes during this</p> <p>13 instruction?</p> <p>14 A. I believe I did.</p> <p>15 Q. Okay. What's the process of becoming a</p> <p>16 detective like?</p> <p>17 A. A lot of hard work.</p> <p>18 Q. Yeah?</p> <p>19 Is there an application process?</p> <p>20 A. There was a memo.</p> <p>21 Q. A memo that you had to write?</p> <p>22 A. Yes.</p> <p>23 Q. What's the subject of the memo?</p> <p>24 A. Your qualifications.</p> <p>25 Q. And what was the -- were there any</p>	<p style="text-align: right;">Page 39</p> <p>1 determine that the precinct intelligence detectives</p> <p>2 will take certain cases that the road officer either</p> <p>3 wishes not to handle or doesn't necessarily have the</p> <p>4 time or ability to further that investigation.</p> <p>5 Q. As a detective, does anybody report to</p> <p>6 you?</p> <p>7 A. No.</p> <p>8 Q. Who do you report to as a detective?</p> <p>9 A. The sergeant.</p> <p>10 Q. Is it the same group of sergeants that</p> <p>11 you reported to as a -- as a police officer?</p> <p>12 A. No.</p> <p>13 Q. Are these -- how are they different?</p> <p>14 A. It is just one sergeant in this manner.</p> <p>15 Q. Once you became a detective, which</p> <p>16 sergeant did you begin reporting to?</p> <p>17 A. Sergeant Roediger.</p> <p>18 Q. Can you spell that name?</p> <p>19 A. R-o-e-d-i-g-e-r.</p> <p>20 Q. Is this the same sergeant that you</p> <p>21 report to today?</p> <p>22 A. Yes.</p> <p>23 Q. And do you have a particular specialty</p> <p>24 or division that you -- you're responsible for as a</p> <p>25 detective?</p>
<p style="text-align: right;">Page 38</p> <p>1 other aspects of the application process?</p> <p>2 A. There was an interview.</p> <p>3 Q. And how long was the process from the</p> <p>4 time you applied to the time that you learned that</p> <p>5 you were accepted or promoted to -- to be a</p> <p>6 detective?</p> <p>7 A. I'd say weeks.</p> <p>8 Q. And when you became a detective, did</p> <p>9 you -- did your jurisdiction change at all?</p> <p>10 A. No.</p> <p>11 Q. You remained in the same office?</p> <p>12 A. Yes.</p> <p>13 Q. How did your responsibilities change as</p> <p>14 a detective?</p> <p>15 A. Noncall responsive versus as a</p> <p>16 patrolman being call responsive.</p> <p>17 Q. So is it fair to say that as a</p> <p>18 detective -- and I apologize. This comes from just</p> <p>19 not knowing. Are -- is all of your work</p> <p>20 self-initiated?</p> <p>21 A. No.</p> <p>22 Q. How do you receive your work if you're</p> <p>23 not responding to calls?</p> <p>24 A. Road officers will ask for assistance</p> <p>25 or guidance on a particular case. Supervisors</p>	<p style="text-align: right;">Page 40</p> <p>1 A. St. Louis County North County gangs.</p> <p>2 Q. Did you select this?</p> <p>3 A. No.</p> <p>4 Q. How many people are in that -- is it</p> <p>5 fair to call it a unit?</p> <p>6 A. Uh-huh. Two.</p> <p>7 Q. Who else is in that unit?</p> <p>8 A. Detective Rob Brannan.</p> <p>9 Q. Brannan?</p> <p>10 A. Brannan. B-r-a-n-n-a-n.</p> <p>11 Q. Have you ever received a demotion or</p> <p>12 reprimand?</p> <p>13 A. No.</p> <p>14 Q. Aside from this case, are you aware of</p> <p>15 any instance in which your conduct was investigated?</p> <p>16 A. Yes.</p> <p>17 Q. What was that instance or those</p> <p>18 instances?</p> <p>19 A. It was just one. I was informed by</p> <p>20 Bureau of Professional Standards that a complaint</p> <p>21 was filed that I did not show up to a call. It was</p> <p>22 determined that that was not sustained, as my car --</p> <p>23 my car and a witness determined that I was on-scene,</p> <p>24 and my car GPS proved that I was on-scene.</p> <p>25 Q. When did this happen?</p>

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	Page 41	Page 43
1	A. Probably two years ago.	1 A. Yes.
2	Q. During your probationary period?	2 Q. What number was your class?
3	A. Right around there.	3 A. 180.
4	Q. And who -- did you find out who -- how	4 Q. Did everybody in your class go on to
5	did it come to light in the first place?	5 become a -- a police officer?
6	A. I believe I received an email and then	6 A. Yes.
7	a phone call from Bureau of Professional Standards.	7 Q. So let's go back to the -- to the
8	Q. And outside of this instance, no other	8 classroom training. You mentioned that some of that
9	instance in which you're aware of that your conduct	9 instruction was in law. Can you tell me a little
10	was under investigation?	10 bit about what you remember about sort of the legal
11	A. No.	11 instruction that you received?
12	Q. Thank you.	12 A. It was a state statute specific to
13	So as I get to that, let's talk a	13 Missouri and then Constitutional law.
14	little bit about the training because that's -- can	14 Q. And who provided that instruction?
15	you describe in a little bit of detail the -- the	15 A. It was -- Ron Grames was Constitutional
16	type of training that you received during The Police	16 law.
17	Academy?	17 Q. How do you spell that name?
18	A. It was academic classroom material,	18 A. I believe it is G-r-a-m-e-s.
19	different instructors from The Police Academy,	19 Q. So that was Constitutional law?
20	different guest speakers required several tests,	20 A. Uh-huh.
21	quizzes, presentations and -- and then also the	21 Q. And what about the statutes?
22	physical manner, same thing.	22 A. That was Officer Keith Emerson of the
23	Q. So let's talk about the -- and remind	23 Maryland Heights Police Department.
24	me. I apologize. I know I asked this. About how	24 Q. Is Officer Emerson a lawyer?
25	long did the actual Academy last?	25 A. No.
	Page 42	Page 44
1	A. Six months.	1 Q. And you mentioned that there were
2	Q. Six months is what I thought.	2 evaluations. About how frequently did these
3	Was it classroom instruction for all of	3 evaluations on sort of the Constitutional law and
4	those six months?	4 statutory law occur?
5	A. Yes.	5 A. There are weekly quizzes. Tests
6	Q. How frequently did that classroom	6 occurred at the end of -- of certain blocks.
7	instruction occur?	7 Q. Was all of this instruction given
8	A. Every day.	8 in-person?
9	Q. For how many hours?	9 A. Yes.
10	A. Roughly it was an eight-hour day. Give	10 Q. Is any of it online?
11	or take an hour or two, three times a week for	11 A. No.
12	physical fitness, half hour for lunch. So I'd say	12 Q. Was there homework?
13	six to eight.	13 A. Yes.
14	Q. So is it fair to say that most of the	14 Q. Based on your recollection, did any of
15	Academy training was classroom training?	15 this training cover wanteds?
16	A. Yes.	16 A. Yes.
17	Q. And what subjects did this classroom	17 Q. What do you remember about the training
18	training cover?	18 on wanteds from the Academy?
19	A. It -- it covered ethics, criminal law,	19 A. I believe it was -- you know, it was
20	Constitutional law, criminal investigation,	20 distinguishing between a wanted and a warrant and
21	domestic, accident investigation. That's all I'm	21 how a wanted worked, how a warrant worked.
22	coming up with right now.	22 Q. Do you recall any -- receiving any
23	Q. And just -- how big was your class?	23 materials along these lines?
24	A. I believe it was 19.	24 A. No.
25	Q. Did your class have a number?	25 Q. So this -- based on your recollection,

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<p style="text-align: center;">Page 45</p> <p>1 the instruction on -- on wanteds and warrants was 2 verbal instruction? 3 A. Yes. 4 Q. Was there any electronic materials, 5 PowerPoints, anything like that? 6 A. I don't know. 7 Q. Do you recall, given the context of -- 8 of the -- the time that you spent on the legal 9 instruction, how many hours or how many classes 10 you-all spent on wanteds? 11 A. I don't know. 12 Q. You mentioned that some of the 13 instruction was on the distinction between wanteds 14 and warrants. What is that distinction? 15 A. A warrant is signed by a judge versus a 16 wanted is determine -- determined by the officer 17 that probable cause exists to arrest a subject. 18 Q. Was -- based on your recollection, was 19 this definition of a wanted the one that was given 20 during your Police Academy instruction? 21 A. Yes. 22 Q. And how is probable cause defined or 23 explained during your instruction? 24 A. It's reasonable -- a reason to believe 25 that a crime has been committed by a subject.</p>	<p style="text-align: center;">Page 47</p> <p>1 investigations. 2 Q. Were there ever -- did it ever include 3 any more formal instruction, like in a classroom? 4 A. There is quarterly in-service that 5 St. Louis County mandates. 6 Q. Is this part of field instruction, or 7 is this separate and part? 8 A. This is separate. 9 Q. Okay. Let's -- let's go back to that. 10 But as far as field instruction, were 11 there ever -- was there ever an occasion when your 12 field instructor said, you know, now we're going to 13 sit in a classroom and -- and read some books on the 14 law or policy? 15 A. Not in the classroom. 16 Q. Okay. 17 A. More of a patrol vehicle. But reading 18 general orders. 19 Q. Reading general orders? 20 A. Uh-huh. 21 Q. So you would read general orders with 22 your field instructor? 23 A. Yes. 24 Q. Was this -- was this formalized in any 25 way, or was this more of a conversation?</p>
<p style="text-align: center;">Page 46</p> <p>1 Q. And was this -- was this definition 2 applicable to both wanteds and warrants? 3 A. Yes. 4 Q. And so based on your understanding from 5 The Police Academy that -- the only difference 6 between a wanted and a warrant was the fact that a 7 warrant required the signature of a judge; is that 8 correct? 9 A. Yes. 10 Q. What do you recall from the -- your 11 Academy training -- strike that. 12 Did you receive any training once you 13 completed the Police Academy? 14 A. Yes. 15 Q. What type of training did you receive 16 following the Police Academy? 17 A. Field training. 18 Q. What does field training consist of? I 19 know you answered it a little bit, but I'd like to 20 sort of get it in the context of what the Academy 21 training was, so I'll ask the question again. 22 What did field training consist of? 23 A. It consisted of a senior officer 24 responding to calls with you, coaching you through 25 certain calls, and guiding you to further</p>	<p style="text-align: center;">Page 48</p> <p>1 A. More of a conversation. 2 Q. And in the course of the field 3 instruction, do you recall any occasion in which the 4 topic of wanteds was discussed? 5 A. Not a specific one, no. 6 Q. So is that a "yes" but not 7 specifically? 8 A. Yes. 9 Q. So just to -- just to ask it a 10 different way, did you discuss wanteds with your 11 field instruction officer -- 12 A. Yes. 13 Q. -- or trainer? 14 What do you recall those conversations 15 consisted of? 16 A. How to properly go about issuing a 17 wanted, the steps that needed to be taken for a 18 wanted to actually come to light. 19 Q. Talk to me a little bit about what you 20 recall about the steps, the correct steps that 21 needed to be taken in order to take in order for a 22 wanted to come to light. 23 A. Probable cause had to be determined. 24 Once probable cause was determined on a subject or 25 subjects, depending on the case, a supervisor was</p>

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<p style="text-align: center;">Page 49</p> <p>1 notified, and then the CARE operator was notified. 2 Q. What steps did -- would an officer take 3 in order to make a probable cause determination? 4 A. Based on facts that were given at the 5 scene. 6 Q. Can you say a little bit more about 7 that? Facts given on the scene by whom? 8 A. By significant others, family members, 9 friends, sometimes store owners that determined that 10 a crime has been committed and notify the police. 11 And the facts are given to the police officer, and 12 the police officer determines if probable cause does 13 exist that a crime had been committed by that said 14 subject. 15 Q. Did -- in the course of a Police 16 Academy or in your field instruction, did anybody 17 ever talk about a threshold or a certain set of 18 factors and components that meant that you'd 19 achieved or reached probable cause? 20 A. No. 21 Q. But as you said, it was really based on 22 talking to the people at the scene and gathering the 23 facts? 24 A. Yes. 25 Q. So let's talk a little bit about you</p>	<p style="text-align: center;">Page 51</p> <p>1 Q. Do you recall any of those in-service 2 trainings covering the topics of -- or the topic of 3 probable cause determinations? 4 A. Not to my knowledge. 5 Q. What about when and whether to pursue 6 or issue a warrant? 7 A. No. 8 Q. Now, as far as training in general, 9 what were you taught about when you should take 10 steps to issue a wanted versus pursuing a warrant? 11 A. Could you rephrase, please? 12 Q. Sure. 13 Did -- in the course of your training, 14 what did you learn about when it was appropriate to 15 issue a wanted and when it was appropriate to pursue 16 a warrant? 17 A. One would be the subject is not 18 on-scene. So therefore, even though probable cause 19 was determined, the subject isn't on-scene so the 20 subject could not be taken into custody at that 21 time. And through numerous investigations, 22 Prosecuting Attorney's Office has determined that 23 they wished to have the suspect interviewed before a 24 warrant would be issued. 25 Q. Talk to me about that second part. You</p>
<p style="text-align: center;">Page 50</p> <p>1 mentioned that one final -- not final but that next 2 category, in-service training, quarterly in-service 3 training. Do I understand it correctly that that 4 means it happened every four months? 5 A. Yes. 6 Q. And where would that in-service 7 training take place? 8 A. St. Louis County Police Academy. 9 Q. And how long would that in-service 10 training be? 11 A. It's a full workday. 12 Q. And who has to attend those in-service 13 trainings? 14 A. Everybody employed by St. Louis County 15 Police Department. 16 Q. And what do those in-service trainings 17 entail? 18 A. They entail academics, legal updates, 19 firearms training. 20 Q. Do you recall any of those in-service 21 trainings relating to wanteds? 22 A. No. 23 Q. So you don't recall any in-service 24 training ever covering the topic of wanteds? 25 A. No.</p>	<p style="text-align: center;">Page 52</p> <p>1 said -- and I'm just reading it from the transcript 2 here -- through numerous investigations, 3 prosecuting -- the Prosecuting Attorney's Office has 4 determined that they wished to have the suspect 5 interviewed before a warrant would be issued. 6 Is -- is what -- is that statement 7 instruction that you've received from the 8 Prosecuting Attorney's Office about the requirements 9 for issuing a warrant? 10 A. Just verbal. 11 Q. Verbal from whom? 12 A. Prosecuting Attorney's Office. 13 Q. Have you had conversations with members 14 of the Prosecuting Attorney's Office about sort of 15 what they need before they will issue or approve of 16 or pursue, I guess, a -- a warrant? 17 A. Yes. 18 Q. And have they said anything in addition 19 to the fact that they want numerous investigations? 20 A. No. 21 Q. So how do you interpret -- how do you 22 interpret that requirement of numerous 23 investigations? Does it mean that in order to 24 pursue a wanted, you need to conduct more than one 25 investigation of the particular subject for whom you</p>

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<p>1 want to get a warrant?</p> <p>2 MR. HUGHES: Maybe I object. Maybe I</p> <p>3 missed something, but I'm not quite sure where this</p> <p>4 "numerous investigations" came in. Maybe he said</p> <p>5 that. I just don't remember, so I'm just --</p> <p>6 MR. HAMILTON: It is --</p> <p>7 MR. HUGHES: -- not quite clear on</p> <p>8 where this question came from, but it might be my</p> <p>9 fault.</p> <p>10 MR. HAMILTON: So I'll ask the question</p> <p>11 again.</p> <p>12 Q. Did you ever receive any instruction, particular instruction from the Prosecuting Attorney's Office, that they needed numerous -- numerous investigations, as in more than one investigation, in order to issue a warrant or to pursue a warrant?</p> <p>13 A. No. I -- I was stating that over the</p> <p>14 course of numerous investigations that I've worked,</p> <p>15 that is what they have -- have asked, not they don't</p> <p>16 want numerous investigations. I was stating --</p> <p>17 Q. Okay. So let me clarify. Over the course of numerous investigations that you've participated in, you have learned that the Prosecuting Attorney's Office wants what in order to</p>	<p>1 misstate anything. In order for you to pursue a warrant, you need to conduct a formal investigation of an individual, and that formal investigation entails speaking with them face-to-face?</p> <p>2 Mike, he can clarify if --</p> <p>3 MR. HUGHES: No, no. I think he said</p> <p>4 for a warrant. Maybe he might have said for --</p> <p>5 might have wanted to say for a warrant --</p> <p>6 MR. HAMILTON: No, I meant -- I meant</p> <p>7 warrant.</p> <p>8 MR. HUGHES: I'm sorry.</p> <p>9 MR. HAMILTON: That's okay.</p> <p>10 Yeah, I'll repeat the question.</p> <p>11 MR. HUGHES: I apologize for the</p> <p>12 interruption then.</p> <p>13 MR. HAMILTON: Not a problem.</p> <p>14 Q. So if I'm understanding you correctly, based on the several investigations that you've participated in, and conversations with the Prosecuting Attorney's Office, before they will pursue a warrant, they want the officer to have a formal interview with the suspect, and that formal interview entails a face-to-face meeting?</p> <p>15 A. Yes.</p> <p>16 Q. So do you understand the purpose of a</p>
<p>1 pursue a warrant?</p> <p>2 A. An interview of the subject.</p> <p>3 Q. And have they specified what an interview of the subject actually means?</p> <p>4 A. No.</p> <p>5 Q. How do you interpret that interview requirement of the subject?</p> <p>6 A. Subject is taken into custody, subject</p> <p>7 is Mirandized, and a formal interview is conducted</p> <p>8 by officer or officers.</p> <p>9 Q. What is a formal interview?</p> <p>10 A. I would say subject is -- like I said,</p> <p>11 Mirandized, talked about the facts that were given</p> <p>12 in a particular case and offered the ability to give</p> <p>13 their side of the story.</p> <p>14 Q. Is it possible to have an official -- sorry, a formal interview at the scene?</p> <p>15 A. Potentially.</p> <p>16 Q. Is it possible to have a formal interview over the phone?</p> <p>17 A. No.</p> <p>18 Q. Why not?</p> <p>19 A. I can't determine who that person is.</p> <p>20 Q. So you're saying in order for -- and please correct me if I'm wrong. I'm not trying to</p>	<p>1 wanted to allow an officer to formally interview the suspect in a crime?</p> <p>2 A. Yes.</p> <p>3 Q. Does a -- does a wanted serve any other purpose?</p> <p>4 A. No.</p> <p>5 Q. So to be clear -- strike that.</p> <p>6 You mentioned that through several investigations and conversations with the Prosecuting Attorney's Office, you've developed this understanding. Is there a particular person at the Prosecuting Attorney's Office who you've had these -- that you recall who you've had these specific conversations with?</p> <p>7 A. No.</p> <p>8 Q. Various folks in that office over time?</p> <p>9 A. (Nods head.)</p> <p>10 Q. Is the understanding that we just discussed, is that written down anywhere?</p> <p>11 A. No. Not to my knowledge.</p> <p>12 Q. So the understanding that you explained is something that -- that you've developed and is a -- is the practice that you follow; is that correct?</p> <p>13 A. Yes.</p>

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<p>1 Q. Is that the practice, to your 2 knowledge, that other officers follow? 3 A. Yes. 4 Q. And is there any other type of 5 guidance, unwritten, that you're aware of kind of 6 captures this purpose of a wanted and the 7 requirements for a warrant? 8 A. No. 9 Q. Does the Prosecuting Attorney's Office 10 ever specifically request or ask that an officer or 11 that you issue a wanted? 12 A. No. 13 Q. How many wanteds have you issued -- 14 created? 15 A. No idea. 16 Q. Is it more than ten? 17 A. Yes. 18 Q. More than 50? 19 A. I can't say for certain. 20 Q. And how many warrants -- how many 21 warrant applications have you pursued or completed? 22 A. Lots. 23 Q. More than ten? 24 A. Yes. 25 Q. More than 50?</p>	<p>1 taken under advisement. 2 MR. HAMILTON: I can rephrase. 3 MR. HUGHES: Okay. 4 BY MR. HAMILTON: 5 Q. What have been the reasons that you've 6 received from the Prosecuting Attorney's Office that 7 warrants that you've applied for have been denied? 8 A. The lack of victim cooperation, 9 sometimes outside of the statute of limitations, off 10 the top of my head. 11 MR. HAMILTON: So let's do this: We've 12 been going for about an hour. Let's take a short 13 break and come back. I understand we've got a 14 packed day, so I'm fine with it being five 15 minutes -- 16 MR. HUGHES: Fine with me. 17 MR. HAMILTON: -- so people can stretch 18 their legs. 19 THE VIDEOGRAPHER: The time is 10:37. 20 We are off the record. 21 (Recess taken.) 22 THE VIDEOGRAPHER: The time is 10:45. 23 We are back on the record. 24 BY MR. HAMILTON: 25 Q. Thanks so much, Officer Walsh.</p>
<p>1 A. Likely. 2 Q. And on any of those occasions -- let's 3 talk about the warrants. On any of those occasions, 4 have you been told -- had that warrant application 5 been rejected or denied? 6 A. Yes. 7 Q. What have been the reasons for those 8 denials? 9 A. Taken under -- taken under advisement 10 or lack of -- lack of victim cooperation. 11 Q. And so taken under advisement is a -- 12 is a denial? 13 A. Potentially. 14 Q. What happens? Does it just sit there 15 and nothing happens to it? 16 A. I can't speak on -- on behalf of the 17 prosecutors. 18 Q. How have you determined that it was -- 19 you -- you placed that in the category of warrant 20 applications that have been denied. So how did 21 you -- why did you place it in the category of 22 denials? 23 MR. HUGHES: Well, I'm not sure if he 24 placed them in the category of denials. I think he 25 did, but -- but I think he said sometimes they're</p>	<p>1 Now, just to close the loop here, 2 we've -- we've been talking about the trainings that 3 you've received, and we were talking about wanteds 4 and warrants. 5 Just to give you a little bit of a 6 roadmap, I want to keep going with trainings for a 7 little bit, and I want to talk a little bit more 8 about wanteds as you might suspect and some of the 9 general orders, and then we can get to some of what 10 this case is about. Just so you have a sense of 11 where I'm going. 12 Are you familiar with REJIS? 13 A. Yes. 14 Q. What is REJIS? 15 A. It's a regional system -- law 16 enforcement system. 17 Q. And what relationship do you have with 18 REJIS? 19 A. That is the system that St. Louis 20 County contracts with that we utilize. 21 Q. Is it the only system? 22 A. No. 23 Q. What are the other systems? 24 A. MULES, NCIC. 25 Q. Are those all of the systems that you</p>

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<p>1 use?</p> <p>2 A. Uh-huh.</p> <p>3 Q. Are there any others?</p> <p>4 A. No.</p> <p>5 Q. Did you ever receive any training from</p> <p>6 REJIS?</p> <p>7 A. Yes.</p> <p>8 Q. What type of training did you receive?</p> <p>9 A. I believe it's called operator --</p> <p>10 operator training, how to navigate through --</p> <p>11 through the system.</p> <p>12 Q. Can you give a little bit of a</p> <p>13 description? Doesn't have to be technical in terms</p> <p>14 of what that entails.</p> <p>15 A. As simple as pretty much what button</p> <p>16 does what, what -- what button will give you certain</p> <p>17 information versus others.</p> <p>18 Q. Did any of the trainings or any of</p> <p>19 the -- the guides relate to wanteds or warrants?</p> <p>20 A. Potentially.</p> <p>21 Q. I'm going to show you a document. This</p> <p>22 is a document that is marked DEF.RFP40000001. And</p> <p>23 we'll hand it over to you momentarily.</p> <p>24 I'm going to mark this as Walsh</p> <p>25 Exhibit 1.</p>	<p>1 of what is page 3 of both documents, there is a date</p> <p>2 that says "Updated" followed by a date; do you see</p> <p>3 that?</p> <p>4 A. Yes.</p> <p>5 Q. Do you see that on what has been marked</p> <p>6 as Exhibit 1, the updated date is January 2016; is</p> <p>7 that correct?</p> <p>8 A. Yes.</p> <p>9 Q. And on the document marked Exhibit 2,</p> <p>10 it is updated July 2014; is that correct?</p> <p>11 A. Yes.</p> <p>12 Q. Would you -- if you indulge me and turn</p> <p>13 each page one more time and look to your left,</p> <p>14 you'll see each page has a stick figure scratching</p> <p>15 their head; do you see that?</p> <p>16 A. Yes.</p> <p>17 Q. And to the left of that stick figure,</p> <p>18 it says "Record Types" underneath "Wanted versus</p> <p>19 Warrant." Do you see that?</p> <p>20 A. Yes.</p> <p>21 Q. And I'm going to read from Exhibit 2</p> <p>22 first for "Wanted" right underneath "Record Types."</p> <p>23 It reads, "Wanted, the police are interested in</p> <p>24 questioning a subject prior to asking for a judge's</p> <p>25 order. Wanted records are maintained in REJIS but</p>
<p>1 (Exhibit 1 was marked for</p> <p>2 identification.)</p> <p>3 BY MR. HAMILTON:</p> <p>4 Q. I'm going to pass that to you.</p> <p>5 Mr. Hughes, a copy for you.</p> <p>6 And just for efficiency purposes, I'm</p> <p>7 also going to provide you with another document.</p> <p>8 This is marked DEF-SUPP0000022.</p> <p>9 And we're going to mark this as Walsh</p> <p>10 Exhibit 2.</p> <p>11 (Exhibit 2 was marked for</p> <p>12 identification.)</p> <p>13 MR. HAMILTON: Here's a copy for you</p> <p>14 and a copy for you, Mr. Hughes.</p> <p>15 Q. If you have enough space to put these</p> <p>16 side by side, do you agree, Officer -- or excuse</p> <p>17 me -- Detective Walsh -- is that the correct</p> <p>18 designation?</p> <p>19 A. Yes.</p> <p>20 Q. Detective Walsh, that they both say on</p> <p>21 the front cover "Wanted Entry"?</p> <p>22 A. Yes.</p> <p>23 Q. And if you turn the first page of</p> <p>24 each -- it's a coordinated process, I know -- would</p> <p>25 you agree that if you take a look down at the bottom</p>	<p>1 not MULES and NCIC."</p> <p>2 Did I read that accurately?</p> <p>3 A. Yes.</p> <p>4 Q. Now, I'm going to read from Exhibit 1,</p> <p>5 in the same section, and I'm going to read the</p> <p>6 language as follows:</p> <p>7 "Wanted, subject is wanted for</p> <p>8 questioning. There is no warrant associated with</p> <p>9 the record. The law enforcement officer entering</p> <p>10 the wanted information must have probable cause to</p> <p>11 believe that the person committed the crime prior to</p> <p>12 entering a REJIS wanted on that person."</p> <p>13 Did I read that accurately?</p> <p>14 A. Yes.</p> <p>15 Q. Detective Walsh, would you agree with</p> <p>16 me that the language in Exhibit 2 for the definition</p> <p>17 of a wanted does not include the words "probable</p> <p>18 cause"?</p> <p>19 A. Yes.</p> <p>20 Q. And would you agree that the language</p> <p>21 in Exhibit 1 for the definition of a wanted does</p> <p>22 contain probable cause?</p> <p>23 A. Yes.</p> <p>24 Q. Do you happen to know why probable</p> <p>25 cause was not included in the definition in</p>

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<p style="text-align: center;">Page 65</p> <p>1 Exhibit 2, the document of Jane -- of July, 2014?</p> <p>2 A. No.</p> <p>3 Q. Was probable cause part of a</p> <p>4 determination of a wanted in July, 2014?</p> <p>5 A. Could you rephrase, please?</p> <p>6 Q. As a police officer who served in the</p> <p>7 St. Louis County Police Department in July of 2014,</p> <p>8 was probable cause a requirement for issuing a</p> <p>9 wanted?</p> <p>10 A. Yes.</p> <p>11 MR. HUGHES: Okay. I was just going to</p> <p>12 object because he had answered it before but he</p> <p>13 answered it again. That's okay.</p> <p>14 BY MR. HAMILTON:</p> <p>15 Q. Why do you think that the language in</p> <p>16 these two definitions of a wanted is different?</p> <p>17 MR. HUGHES: My objection, it was asked</p> <p>18 and answered about 60 seconds ago. So repetitive.</p> <p>19 BY MR. HAMILTON:</p> <p>20 Q. You may answer the question.</p> <p>21 A. I don't know.</p> <p>22 Q. Are you aware of any events in between</p> <p>23 the publication of these two exhibits that may have</p> <p>24 caused for the inclusion -- strike that.</p> <p>25 Are you aware of any events in between</p>	<p style="text-align: center;">Page 67</p> <p>1 Q. Is it accurate that the supervisor</p> <p>2 authorization was not a part of wanteds previous</p> <p>3 to -- strike that.</p> <p>4 You previously said the supervisor</p> <p>5 approval based on probable cause is now required.</p> <p>6 When you said "now required," were you referring to</p> <p>7 a particular time period as to when that changed?</p> <p>8 A. No. I was just stating that a</p> <p>9 supervisor now has to be named in the report saying</p> <p>10 that the wanted, based on your probable cause, is</p> <p>11 authorized.</p> <p>12 Q. And what I'm asking is about your use</p> <p>13 of the word "now." Prior to the "now," such</p> <p>14 designation of the supervisor's approval was not</p> <p>15 required?</p> <p>16 That's poorly phrased. I apologize.</p> <p>17 What time -- during what time period</p> <p>18 was an officer's -- the designation of the</p> <p>19 supervising officer's authorization not required in</p> <p>20 the narrative of the report, of the wanted report?</p> <p>21 MR. HUGHES: Maybe it's clear to him,</p> <p>22 but I'm just objecting because the question just</p> <p>23 does not seem clear to me. It's ambiguous. So I</p> <p>24 object to the form.</p> <p>25 BY MR. HAMILTON:</p>
<p style="text-align: center;">Page 66</p> <p>1 the publication of these two reports that resulted</p> <p>2 in a different definition for a wanted in these</p> <p>3 manuals?</p> <p>4 A. No.</p> <p>5 Q. Do you recall any conversations outside</p> <p>6 of trainings about the requirements for</p> <p>7 wanteds -- strike that.</p> <p>8 Have you spoken with fellow officers</p> <p>9 about the requirements for wanteds since July 2014?</p> <p>10 A. Yes.</p> <p>11 Q. What have these conversations consisted</p> <p>12 of?</p> <p>13 A. That supervisor approval based on</p> <p>14 probable cause facts in particular cases is now</p> <p>15 required.</p> <p>16 Q. You said that supervisor approval based</p> <p>17 on probable cause facts in particular cases is now</p> <p>18 required. Does that mean that it was not required</p> <p>19 beforehand?</p> <p>20 A. No. It was required. But supervisors</p> <p>21 who authorize the wanted now goes into the narrative</p> <p>22 of the CARE report for St. Louis County.</p> <p>23 Q. Are you aware of why that change was</p> <p>24 made?</p> <p>25 A. No.</p>	<p style="text-align: center;">Page 68</p> <p>1 Q. Would you like me to rephrase, or did</p> <p>2 you understand my question?</p> <p>3 A. Could you please rephrase?</p> <p>4 Q. Sure.</p> <p>5 Based on your recollection, was there a</p> <p>6 time in which a supervisor's -- the inclusion of a</p> <p>7 supervisor's authorization needed to be included in</p> <p>8 a wanted report?</p> <p>9 A. No.</p> <p>10 Q. So it's always been the case that</p> <p>11 you've needed to designate the supervisor's approval</p> <p>12 in the narrative of the report?</p> <p>13 A. No.</p> <p>14 Q. When did that change? When did that</p> <p>15 become required?</p> <p>16 A. I don't know the exact date, but the</p> <p>17 update to our last general order.</p> <p>18 Q. Okay, thank you.</p> <p>19 Thank you for bearing with me on that</p> <p>20 question. Okay. I think we can put this to the</p> <p>21 side.</p> <p>22 So just to -- to close this off, we</p> <p>23 talked about your Academy training. We talked about</p> <p>24 in-service training. We talked about field</p> <p>25 training. We talked about training or manuals from</p>

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<p>1 REJIS. Is there any training that comes to mind for 2 you on the topic of wanteds and warrants that I 3 didn't cover?</p> <p>4 A. No.</p> <p>5 Q. So that -- that captures the universe?</p> <p>6 A. Yes.</p> <p>7 Q. Have you participated as an instructor 8 in any trainings on wanteds and warrants?</p> <p>9 A. No.</p> <p>10 Q. Let's dig into wanteds a little bit.</p> <p>11 Am I correct that your -- in your prior 12 testimony 15, 20 minutes ago is that you said the 13 purpose of a wanted is to give an officer an 14 opportunity to conduct a formal investigation of a 15 suspect -- formal interview of a suspect?</p> <p>16 A. After probable cause was determined, 17 yes.</p> <p>18 Q. And to be clear, is this -- based on 19 your conversations and interactions with other 20 officers and detectives in the St. Louis County 21 Police Department, is this understanding of the 22 purpose of a wanted shared amongst your colleagues?</p> <p>23 A. Yes.</p> <p>24 Q. And is that definition of purpose 25 written anywhere that you're aware of?</p>	<p>1 upon arriving on the scene? 2 A. Contact the reporting party.</p> <p>3 Q. And what does that contact consist of?</p> <p>4 A. Asking them to -- as simple as why -- 5 why were we called to the scene.</p> <p>6 Q. And after determining why you were 7 called to the scene, what in general happens next?</p> <p>8 A. Gather the reporting party's pedigree 9 information, their statement, and then I contact 10 witnesses.</p> <p>11 Q. And so you've done all of this contact 12 in the factual investigation. At what point in time 13 do you make a determination that perhaps a wanted is 14 justified?</p> <p>15 A. Every case is different. But if the 16 suspect isn't on scene and attempts to contact them, 17 we met with negative results.</p> <p>18 Q. What does attempts -- what does 19 "negative results" mean?</p> <p>20 A. Attempts to contact them at their 21 residence or place of work or via telephone.</p> <p>22 Q. And if you're able to contact that 23 person via telephone, what is the next step?</p> <p>24 A. I -- I first try and get them to 25 identify themselves to verify that -- who I am</p>
<p style="text-align: center;">Page 70</p> <p>1 A. Not that I'm aware of.</p> <p>2 Q. Are you aware of other jurisdictions 3 that use wanteds?</p> <p>4 A. No.</p> <p>5 Q. Why do you think wanteds are used in 6 St. Louis County?</p> <p>7 A. Based off of the testimony that I just 8 gave, that it's -- before probable cause is 9 determined, the wanted is placed out for the suspect 10 to conduct a formal interview if the suspect is not 11 on scene.</p> <p>12 Q. Are you aware of any distinguishing 13 factors that make St. Louis County different from 14 other jurisdictions in Missouri or other parts of 15 the country?</p> <p>16 A. I know everybody does something a 17 little different.</p> <p>18 Q. So let's walk through the process of -- 19 of actually creating a wanted. You -- you started 20 doing that -- and I appreciate you indulging me to 21 come back and revisit this topic.</p> <p>22 So you receive a call -- this is as a 23 police officer -- you receive a call to come to -- 24 come to a scene where -- from which the call 25 originated. What type of investigation do you do</p>	<p style="text-align: center;">Page 72</p> <p>1 potentially talking to and then try and set up a 2 meeting spot, whether it be at the police station, 3 on-scene, or another, you know, undisclosed 4 location.</p> <p>5 Q. And so if a person identifies 6 themselves over the phone, but they're not 7 interested in -- in meeting you, what's the next 8 step?</p> <p>9 A. Since probable cause was already 10 determined, the wanted would be placed out.</p> <p>11 Q. Okay. Or presumably if you're unable 12 to make contact with that person but you still have 13 made a probable cause determination; is that right?</p> <p>14 A. Yes.</p> <p>15 Q. So you're now ready to issue the 16 wanted. And I apologize for making this so basic, 17 but literally, what is the next thing that you do in 18 the wanted creation process?</p> <p>19 A. I contact the CARE operator and advise 20 them of my report number, the suspect's pedigree 21 information, and charges that would -- would be 22 issued.</p> <p>23 Q. And so you are -- I'm placing you -- 24 you're at the scene. You're investigating. You 25 pick up your phone or your radio and you call in to</p>

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<p style="text-align: right;">Page 73</p> <p>1 the CARE provider. Where is the CARE provider 2 sitting, or the CARE officer? 3 A. They're sitting at their office which 4 was -- was now Clayton and is now unincorporated 5 West -- West County. 6 Q. And you say, I am here to -- I'm 7 calling to initiate a wanted on John Doe. Here is 8 the pedigree information, here's -- here are the 9 facts. Is there anything else that goes -- that 10 happens in that conversation? 11 A. No. 12 Q. So you -- how long does that 13 conversation typically take? 14 A. Five minutes. 15 Q. Five minutes. 16 So you have a five-minute conversation 17 and after you hang up the phone or sort of close off 18 the -- the radio call, is -- does that mean that the 19 wanted has been created? 20 A. To my knowledge, yes. 21 Q. And so it goes into the system? 22 A. (Nods head.) 23 Q. And so if -- and now we're going to get 24 a little technical, so I apologize but -- so it's -- 25 it's gone into the system. Let's say five minutes</p>	<p style="text-align: right;">Page 75</p> <p>1 which a supervisor has not approved a wanted? 2 MR. HUGHES: Well, I think your first 3 question was has that ever happened to him? Now -- 4 MR. HAMILTON: Well, now I'm asking -- 5 I'm asking a second question, Mr. Hughes. 6 MR. HUGHES: Okay. Okay. 7 THE WITNESS: No. 8 BY MR. HAMILTON: 9 Q. You're not aware of it? 10 And is it -- how many levels of 11 approval are there in the wanted creation process? 12 A. That I don't know. 13 Q. So -- and do you know how long about -- 14 just in your experience, how long the creation -- or 15 the approval process for a wanted will take? 16 A. No. 17 Q. Do you know what the -- have you 18 yourself ever served as a -- as a supervisor for 19 wanted authorization purposes? 20 A. No. 21 Q. Do you know what goes into the process 22 of reviewing a wanted from the supervisor's 23 perspective? 24 A. No. 25 Q. In instances where you have initiated</p>
<p style="text-align: right;">Page 74</p> <p>1 later an officer encounters John Doe at some other 2 location. Will that officer be able to learn that 3 this person has a wanted out against them? 4 A. Yes. 5 Q. Within -- so -- so it happens like 6 that? (Snaps fingers.) 7 A. I believe so. 8 Q. What role then does a -- does a 9 supervisor play in the wanted creation process? 10 A. Once they review the report and 11 determine that probable cause is in existence, then 12 they approve the report. 13 Q. So is there -- I'm trying to wrap my 14 head around this. If -- is -- is there any lag time 15 between when you hung up the phone with the CARE 16 officer and when the supervisor approves the wanted 17 where the wanted is not active, or is it immediately 18 active? 19 A. I can't speak for -- for CARE, but I 20 believe it's immediately active. 21 Q. So is it possible -- have you 22 encountered instances where a supervisor will -- 23 will not approve the creation of a wanted? 24 A. No. 25 Q. You've never heard of an instance in</p>	<p style="text-align: right;">Page 76</p> <p>1 or issued a wanted, what interaction or what contact 2 do you have with the -- the supervisor who's 3 approving the wanted? Is there a conversation? 4 A. Not on every -- on every case but some, 5 yes. 6 Q. And so in some cases, you might find 7 out that the supervisors approved it just by looking 8 at the entry, the teletype in -- in REJIS, I 9 suppose? 10 A. Based on the facts that were laid out 11 in the report. 12 Q. Based on the facts that were laid out 13 in the report because it indicates that a supervisor 14 has approved it? 15 A. Could you rephrase that? 16 Q. Sure. 17 So I was asking how -- how you know 18 that a supervisor has approved your -- the creation 19 of the wanted that you initiated. And you said 20 sometimes -- sometimes there's a conversation that 21 you have with that supervising officer, but 22 sometimes not. 23 And in the instances where you don't 24 have a conversation with the supervising officer, 25 how do you ultimately find out that it has been</p>

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<p>1 approved? And you said it -- I think you said, but 2 correct me if I'm wrong, it would appear in the 3 report?</p> <p>4 A. When you access CARE, the computer 5 report system, it would show that a supervisor has 6 approved it. It would be stamped.</p> <p>7 Q. And so -- and -- and just to be clear, 8 and I may -- I may have already covered this and I 9 apologize. But do you know when in -- sort of how 10 quickly a supervisor will review the wanted that 11 you've created or initiated?</p> <p>12 A. No. It's up to their -- their 13 discretion.</p> <p>14 Q. What are the requirements for serving 15 as a supervisor for approving a wanted?</p> <p>16 A. I don't know.</p> <p>17 Q. In the instances -- so let's take -- 18 think about one of the officers who's approved 19 wanteds that you've initiated. Are they -- are they 20 your same seniority year?</p> <p>21 A. No.</p> <p>22 Q. How much -- are they your same rank?</p> <p>23 A. No.</p> <p>24 Q. What rank are they, typically?</p> <p>25 A. Sergeant and above.</p>	<p>1 supervising officer is there with you and it's 2 through -- after conversation with them that you go 3 ahead and issue the warrant --</p> <p>4 A. Yes.</p> <p>5 Q. -- the wanted? Excuse me.</p> <p>6 Okay. So let's talk about one of the 7 instances in which the supervisor approval has come 8 after you've created the wanted. How long did that 9 conversation happen after you created the wanted?</p> <p>10 A. Some instances are the next day. Some 11 are hours.</p> <p>12 Q. And thinking about one of those 13 conversations, what was the -- the content of that 14 conversation?</p> <p>15 A. Furthering the investigation of where I 16 may -- may be able to contact certain witnesses 17 again, or victims, just to help further the 18 investigation.</p> <p>19 Q. And are these -- and so am I 20 understanding correctly that they will approve the 21 wanted and say you should also do these things to 22 further your investigation?</p> <p>23 A. Sometimes.</p> <p>24 Q. Do they tell you to further your 25 investigation in order to achieve probable cause?</p>
<p style="text-align: center;">Page 78</p> <p>1 Q. Sergeant and above can serve as an 2 approver for a wanted?</p> <p>3 A. Yes.</p> <p>4 Q. Are you aware of lieutenants approving 5 wanteds?</p> <p>6 A. I suppose.</p> <p>7 Q. Let's walk through -- you said that 8 sometimes you had a conversation with -- with the -- 9 with the supervising officer about a wanted that 10 you've created. If you think about one of those 11 instances, how long after you initiated that wanted 12 did that conversation happen?</p> <p>13 MR. HUGHES: Are you assuming that it's 14 always after, or are you excluding "before" in your 15 question?</p> <p>16 Well, anyway, I object to the form of 17 the question. It's vague --</p> <p>18 BY MR. HAMILTON:</p> <p>19 Q. Is it -- is it true that the 20 conversations that you've had -- strike that.</p> <p>21 In your experience, does supervisor 22 approval necessarily come after you've created the 23 wanted?</p> <p>24 A. No. Sometimes it's on-scene.</p> <p>25 Q. So there are instances in which the</p>	<p style="text-align: center;">Page 80</p> <p>1 A. No.</p> <p>2 Q. Why do they tell you to further your 3 investigation, or why have they told you to further 4 your investigation?</p> <p>5 A. Sometimes there's more charges that can 6 be sought and making sure that, you know, in some 7 instances that maybe certain businesses have video 8 surveillance that we would maybe be able to access 9 to show these events unfolding, things that would 10 help with the prosecution.</p> <p>11 Q. So if I'm understanding you correctly, 12 these conversations that have happened after you 13 have initiated the wanted are essentially an 14 approval of the wanted, and then further steps you 15 can take as far as additional information you can 16 gather or other charges you can bring?</p> <p>17 A. Yes.</p> <p>18 Q. And are you aware of any type of 19 approval that's required after the supervisor's 20 approval?</p> <p>21 A. No, I'm not.</p> <p>22 Q. Are you aware of any training that 23 supervising officers receive in when and whether to 24 approve of a wanted that's been created?</p> <p>25 A. No, I'm not.</p>

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<p style="text-align: right;">Page 81</p> <p>1 Q. In the course of your conversations 2 with a supervising officer, have they ever said you 3 should go ahead and apply for a warrant? 4 A. No. I'm sorry. Can you -- could you 5 kind of clarify? 6 Q. Sure. 7 You have a conversation with the 8 supervising officer after you've initiated the 9 wanted and it becomes live. In the course of that 10 conversation, have you ever had an instance in which 11 the supervising officer says you should apply for a 12 warrant? 13 A. Instead of the wanted? 14 Q. Instead -- instead of the wanted or in 15 addition to the wanted? 16 A. No. 17 Q. Do you ever receive any guidance from a 18 supervising officer or anyone else about when and 19 whether to apply for a warrant? 20 A. Could you repeat it, please? I'm 21 sorry. 22 Q. Sure. 23 Do you ever receive any guidance from a 24 supervising officer or anyone else as to when you 25 should apply for a warrant?</p>	<p style="text-align: right;">Page 83</p> <p>1 a determination as to when a warrant is justified? 2 A. In every case where probable cause 3 exists that a crime has been committed, a warrant 4 is -- is justified of seeking. 5 Q. But in many of those instances you -- 6 you issue a wanted as opposed to a warrant; is that 7 correct? 8 A. Well, if somebody is in custody, then I 9 would seek a warrant. If somebody is not in 10 custody, I would seek a wanted. 11 Q. Because a wanted is -- the purpose of 12 the wanted is for that formal interview? 13 A. Correct. 14 Q. Is it the case in your experience that 15 a warrant is always preceded by a wanted? 16 A. Yes. 17 Q. So we were walking -- we were walking 18 down the -- 19 MR. HUGHES: Nevermind. Just object to 20 the form of the last question. The fact that you 21 made it "always." So -- it's just overbroad. 22 MR. HAMILTON: Okay. 23 MR. HUGHES: Okay. 24 BY MR. HAMILTON: 25 Q. So we've -- I just -- so I want to go</p>
<p style="text-align: right;">Page 82</p> <p>1 A. Yes. 2 Q. Can you describe when those instances 3 occur? 4 A. If somebody is in custody, and based on 5 certain facts on the actual crime that had been 6 committed. Sometimes immediate warrant application 7 is to be conducted through the prosecuting attorneys 8 and sometimes it -- supervisors, based on certain 9 facts, can be released pending application of 10 warrant. 11 Q. What types of facts would -- strike 12 that. 13 In what types of instances would 14 somebody be released pending the application of a 15 warrant? 16 A. Drug arrest. 17 Q. Can you say a little bit more about 18 the -- the analysis that goes into that 19 determination like with the drug arrest? 20 A. Somebody that is not necessarily a 21 threat to themselves or the community immediately. 22 Q. That's helpful. So talk to me about 23 the -- the factors. You said that you've applied 24 for numerous warrants. What type of analysis goes 25 through your head as a detective when you're making</p>	<p style="text-align: right;">Page 84</p> <p>1 back to -- to our timeline. The wanted has been -- 2 the wanted has been created basically on-scene 3 through your conversation with the CARE officer. 4 The approval process happens either on-scene or 5 sometime thereafter. And what happens to -- to the 6 individual who has a -- has a wanted out on them? 7 And let me ask a question that you can actually 8 answer. 9 A police officer encounters this 10 individual who has a wanted out for them. What is 11 the next step if you are that police officer and 12 you've encountered a person who has a wanted out? 13 A. If -- if knowing based on such as 14 myself being familiar with the case, I would take 15 that -- that suspect into custody. Somebody not 16 necessarily knowing the particulars of the case, a 17 system check of the individual being -- or providing 18 his -- his or her pedigree, the officer would 19 conduct that record check to verify that, in fact, 20 there is a wanted out for his or her arrest. And 21 then they would take that person into custody if 22 there is. 23 Q. And if you are -- and just to be clear, 24 you said this is an officer who was not familiar 25 with the case; is that correct?</p>

21 (Pages 81 to 84)

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<p>1 A. Yes.</p> <p>2 Q. So if you are an officer who's familiar</p> <p>3 with the case and you encounter this person with a</p> <p>4 wanted, what happens then?</p> <p>5 A. I would take them into custody based --</p> <p>6 knowing that there is probable cause.</p> <p>7 Q. Even if you're -- if you -- you know</p> <p>8 the person and you're aware of their involvement in</p> <p>9 the case, you would still take them into custody?</p> <p>10 A. Yes. Based on if there's probable</p> <p>11 cause.</p> <p>12 Q. Is it possible to conduct a -- a formal</p> <p>13 interview without taking somebody into custody?</p> <p>14 A. Potentially, yes.</p> <p>15 Q. In your experience, is it -- is it</p> <p>16 possible to conduct such a formal interview and</p> <p>17 clear the wanted without taking a person into</p> <p>18 custody?</p> <p>19 A. Yes.</p> <p>20 Q. Have you ever done that?</p> <p>21 A. Could you --</p> <p>22 Q. Yeah.</p> <p>23 A. -- rephrase, please?</p> <p>24 Q. Yeah.</p> <p>25 So has there ever come a time when you</p>	<p>1 types of crimes where the purpose is actually to</p> <p>2 bring somebody into custody where you then conduct</p> <p>3 the formal interview?</p> <p>4 A. Yes.</p> <p>5 Q. Is that written anywhere?</p> <p>6 A. Yes.</p> <p>7 Q. Do you recall where that's written --</p> <p>8 where that's written, where that guidance exists?</p> <p>9 A. The general order on domestics</p> <p>10 discusses not exact terminology.</p> <p>11 Q. Sure.</p> <p>12 A. But where a 24-hour hold would be</p> <p>13 placed on all domestic violence cases, whether it be</p> <p>14 misdemeanor, felony.</p> <p>15 Q. That's helpful. Thank you.</p> <p>16 Have you ever -- have you ever sort of</p> <p>17 encountered an instance in which you were able to</p> <p>18 conduct a formal interview of somebody who was</p> <p>19 wanted without arresting them?</p> <p>20 A. Yes, the scenario that -- that I gave</p> <p>21 previous.</p> <p>22 Q. So I guess even taking a step -- a step</p> <p>23 further back, without -- without handcuffing them</p> <p>24 and just conducting a formal interview, just without</p> <p>25 the person in any form of -- of custody?</p>
<p>1 have encountered somebody who has a wanted out</p> <p>2 against them, you're familiar with their case, and</p> <p>3 you've been able to conduct a formal interview</p> <p>4 without taking them into custody, and clear the</p> <p>5 wanted?</p> <p>6 A. Yes. I believe like a shoplifting case</p> <p>7 or something along those lines where somebody has</p> <p>8 been identified, probable cause was established, the</p> <p>9 person was put out wanted, and I encountered them,</p> <p>10 arrested them, conducted an interview, and released</p> <p>11 on-scene, whether it be on summons or warrant</p> <p>12 application being made.</p> <p>13 Q. So we talked about instances in which</p> <p>14 you could conduct a formal investigation without</p> <p>15 taking somebody into custody. Can you describe</p> <p>16 instances in which it wouldn't be possible to</p> <p>17 conduct such a formal investigation and thus you'd</p> <p>18 be required to actually take them into custody?</p> <p>19 A. Domestic cases, anything violent,</p> <p>20 felonies, specifically gun cases.</p> <p>21 Q. So is it -- is it then -- is it the</p> <p>22 policy that -- just going back to the purpose of a</p> <p>23 wanted is to be able to conduct a formal interview</p> <p>24 of somebody, is there kind of a carve-out or a</p> <p>25 caveat for certain types of offenses or certain</p>	<p>1 A. I suppose, but nothing --</p> <p>2 Q. Not in your experience?</p> <p>3 A. No, sir.</p> <p>4 Q. Okay. So let's go back to the instance</p> <p>5 in which you are -- you're an officer who is not</p> <p>6 familiar with the case, but you encounter the</p> <p>7 person. You run their name and information. You</p> <p>8 find out there's a wanted. As the reporting</p> <p>9 officer, what do you do? You -- you take them into</p> <p>10 custody, but who do you -- do you contact anybody?</p> <p>11 A. The officer that made the arrest or the</p> <p>12 officer that has --</p> <p>13 Q. The officer who made the arrest.</p> <p>14 Right. So you're the officer who made the arrest.</p> <p>15 You're not familiar with the person, but you know</p> <p>16 there's a wanted. What are the steps that you take?</p> <p>17 A. I would contact the St. Louis County</p> <p>18 Records Department to verify that it is still an</p> <p>19 active wanted.</p> <p>20 Q. Okay.</p> <p>21 A. And then after verification is made, I</p> <p>22 would contact St. Louis County CARE to cancel the</p> <p>23 wanted.</p> <p>24 Q. Okay. Now, you said to ensure that the</p> <p>25 wanted is active. What does that mean?</p>

22 (Pages 85 to 88)

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<p>1 A. It's just checking with our record 2 department to make sure that it is -- is, in fact, 3 an active wanted.</p> <p>4 Q. Are there inactive wanteds?</p> <p>5 A. That I can't speak of. I've never 6 encountered one but ...</p> <p>7 Q. Is that -- that's -- that's the 8 protocol?</p> <p>9 A. Yes.</p> <p>10 Q. Have you heard of any inactive wanteds?</p> <p>11 A. I'm sure there -- there have been.</p> <p>12 Q. Is -- in any sort of training or 13 guidance, have you -- has -- has an inactive wanted 14 been described, like what it would look like?</p> <p>15 A. It wouldn't look like anything 16 different to us, no.</p> <p>17 Q. But based on your understanding, the 18 CARE operator might say this is inactive because -- 19 fill in the blank? Is there -- is there any sense 20 of why it would be inactive?</p> <p>21 A. I mean, certain municipalities have 22 said you can release them on a court date.</p> <p>23 Q. And that would be the basis -- I'm not 24 sure I follow. So that would be the basis for 25 making a determination that the wanted is not</p>	<p>1 Q. And the location to --</p> <p>2 A. To take the prisoner.</p> <p>3 Q. And how is that location determined?</p> <p>4 A. It's based upon a number of factors, a 5 supervisor has to determine.</p> <p>6 Q. Okay. And once you take them to 7 wherever they're going, what happens next?</p> <p>8 A. Then I would contact CARE and inform 9 CARE that I had the person in custody. The officer 10 that has the wanted, I would contact them, and then 11 the CARE operator would cancel the wanted.</p> <p>12 Q. So -- so the wanted, based upon now 13 that you've got this person in custody, based on 14 your understanding, the wanted is then immediately 15 canceled?</p> <p>16 A. Yes.</p> <p>17 Q. And so now what happens when you 18 contact the officer who initiated the wanted? How 19 does that conversation go?</p> <p>20 A. I just let him or her know that their 21 suspect, based on whatever particular case it is, I 22 have them in custody and I let them know the 23 location that I'm going to, and I let them know what 24 time I picked them up.</p> <p>25 Q. Great.</p>
<p>1 active?</p> <p>2 A. Based upon County records, that -- that 3 would be, I guess, their determination. But I don't 4 see anything different when -- when I'm conducting a 5 record check.</p> <p>6 Q. Got it.</p> <p>7 And how do you conduct a record check?</p> <p>8 A. Via computer.</p> <p>9 Q. And where is that computer?</p> <p>10 A. Either in your car or in my case, 11 office.</p> <p>12 Q. Okay. So you encounter somebody.</p> <p>13 You -- you run their name through your computer, 14 which may be in your car, you find out that there's 15 a wanted out. You're not familiar with this person.</p> <p>16 You call the Records Department. You determine that 17 the wanted is active. Did I describe the sequence 18 correctly?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. So you've now determined that 21 it's active and you're going to take the person.</p> <p>22 And what happens next?</p> <p>23 A. Then I contact the watch commander over 24 the radio and ask for a location, whether it be the 25 precinct or Clayton.</p>	<p>1 And why do you let them know what time 2 you picked them up?</p> <p>3 A. Because they have 24 hours to conduct 4 their interview.</p> <p>5 Q. And as the arresting officer, you -- 6 does -- what happens once you have delivered the 7 person to wherever they're going? Does your 8 responsibility continue any further?</p> <p>9 A. You write either an original report or 10 a supplement to that officer's original report on 11 the probable cause.</p> <p>12 Q. And after that, is there anything 13 further that you, as the arresting officer, do?</p> <p>14 A. No.</p> <p>15 Q. Now, I want to put you into the shoes 16 of -- of the officer who initiated the wanted. You 17 just received the call. What do you do?</p> <p>18 A. I guess it depends on when, where, 19 where I'm at. So if I'm contacted while on duty, I 20 would respond to whichever location, whether it be 21 Clayton or the precinct, and conduct my interview.</p> <p>22 Q. And if you're not on duty?</p> <p>23 A. If I'm not on duty, if it's in the 24 middle of the night, I don't answer my phone.</p> <p>25 Q. Okay.</p>

23 (Pages 89 to 92)

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<p>1 A. So I guess it would -- it would start 2 when my day started in the morning. 3 Q. Got it. 4 Are there guidelines for how an officer 5 is expected to respond to a call that their wanted 6 has been -- or the individual for whom a wanted is 7 out has been arrested? 8 A. Within 24 hours. 9 Q. Are there -- is there any further 10 guidance published by the St. Louis County Police 11 Department? 12 A. Not to my knowledge, no. 13 Q. Is there any guidance on when within 14 those 24 hours an officer is expected to try and 15 conduct the formal interview with the wanted 16 individual? 17 A. No. 18 Q. But it just has to be within 24 hours? 19 A. Yes. 20 Q. And so you now -- let's just -- let's 21 close the loop. So you -- you've arrived and you 22 are face-to-face with the subject of your wanted. 23 You try and speak to them. Once you speak to them, 24 does that end the -- end the custody? 25 A. Not always.</p>	<p>1 it is in St. Louis County and it is a St. Louis 2 County wanted, they would be given priority. But as 3 far as other jurisdictions, I can't speak for that. 4 Q. So if it's a St. Louis County wanted 5 and a St. Louis County warrant, what's the priority 6 there? 7 A. The officer with the 20 -- with the 8 24-hour hold on the wanted would go first. 9 Q. Got it. 10 So it sounds to me like three instances 11 that you've described where an individual who is in 12 custody pursuant to a wanted wouldn't be immediately 13 released following a formal interview. Are there 14 others that you can think of? 15 A. No. 16 Q. Okay. So in those instances, even 17 after you've spoken to somebody and gotten now the 18 information you can get out, they would still remain 19 in custody for 24 hours -- for the remainder of the 20 24 hours; is that correct? 21 MR. HUGHES: Wait, wait. I'm not sure 22 I understand the question. So I object -- 23 MR. HAMILTON: Sure. 24 MR. HUGHES: -- to the form. 25 BY MR. HAMILTON:</p>
<p style="text-align: center;">Page 94</p> <p>1 Q. Why wouldn't it? 2 A. Whether I'm applying for warrants on 3 the person in custody -- 4 Q. Uh-huh. 5 A. -- or on domestic cases. 6 Q. Okay. Let's break those down. Well, 7 let me ask a separate question. Are those the only 8 two instances in which a person wouldn't be 9 immediately released following your formal interview 10 of them? 11 A. No. It's not the only one. 12 Q. Are there others that you -- that come 13 to mind? 14 A. Yes. 15 Q. What are those other instances? 16 A. If they have other warrants. 17 Q. Just to be clear, if a person is -- is 18 arrested and they have -- there's both a warrant and 19 a wanted out, first of all, is that possible? 20 A. Yes. 21 Q. Would they be separate matters? 22 A. Yes. 23 Q. Does -- is there any sort of priority 24 in terms of the warrant and the wanted? 25 A. The -- the officer with the wanted, if</p>	<p style="text-align: center;">Page 96</p> <p>1 Q. In those three instances that you 2 described, domestic violence -- and I guess it's two 3 categories because you've got outstanding warrants. 4 I apologize. It is three categories because you 5 might be applying for a warrant, it might be 6 domestic violence, and there might be an outstanding 7 warrant. 8 Outside of those three instances, a 9 person should be released from custody once they've 10 participated in the formal interview with the 11 officer who initiated the wanted; is that correct? 12 A. Yes. 13 Q. What if a person is in custody and 14 they've said that they're not interested in being 15 interviewed or talking to the police officer? What 16 happens next? 17 A. And it's outside of those three 18 instances? 19 Q. Yes. 20 A. Two officers' discretion based upon the 21 case, whether warrants will be applied for in 22 custody or release pending application of warrant. 23 Q. So the only reason -- and I just want 24 to make sure I'm characterizing this right, and 25 please let me know if I'm wrong. The only reason</p>

24 (Pages 93 to 96)

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<p>1 that a person who says that they're not interested 2 in being interviewed would continue to be held in 3 custody would be because a warrant is being applied 4 for?</p> <p>5 A. Not the only instance, no.</p> <p>6 Q. What are the other instances?</p> <p>7 A. Warrants or --</p> <p>8 Q. And domestic violence?</p> <p>9 A. -- domestic violence.</p> <p>10 Q. Got it.</p> <p>11 But that's -- that captures the 12 universe?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And is it -- is it your 15 understanding that as soon as -- strike that. We 16 can move on.</p> <p>17 Have you ever become aware of an 18 investigation by the Department of Justice into the 19 Ferguson Police Department?</p> <p>20 A. Partly, yes.</p> <p>21 Q. When you say "partly," what does that 22 mean?</p> <p>23 A. I didn't read the whole report but I'm 24 aware.</p> <p>25 Q. You're aware of it?</p>	<p>1 any changes to St. Louis County based on the 2 Department of Justice report?</p> <p>3 A. No.</p> <p>4 Q. Do you -- do you recall any new 5 training that you received in light of this report 6 or in light of the events of Ferguson?</p> <p>7 A. Yes.</p> <p>8 Q. What trainings were those?</p> <p>9 A. Civil -- civil disturbance.</p> <p>10 Q. And what did that entail?</p> <p>11 A. Went over Constitutional rights, giving 12 verbal warning, and then tactics to keep officers 13 safe, communities safe, and those -- those doing the 14 civil disturbance.</p> <p>15 Q. Yeah. Yeah. Did you ever participate 16 in any conversations or events outside of the office 17 related to those topics that you just described?</p> <p>18 A. Could you repeat -- rephrase, please.</p> <p>19 Q. Sure.</p> <p>20 Did you ever participate in any -- any 21 conversations outside of -- I asked you about 22 conversations you had with your colleagues. Did you 23 ever participate in any events or conversations with 24 folks outside of the St. Louis County Police 25 Department on some of the issues related to the</p>
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<p>1 A. Yes.</p> <p>2 Q. What -- what -- can you describe your 3 awareness of it?</p> <p>4 A. Just their practices of law enforcement 5 in courts.</p> <p>6 Q. What parts of the report did you read?</p> <p>7 A. Just pretty much what the St. Louis 8 Post Dispatch put out there, short version.</p> <p>9 Q. Okay. Did anybody -- do you recall any 10 conversations within your department once this 11 report was released?</p> <p>12 A. Yes.</p> <p>13 Q. Did any of those conversations entail 14 the use of wanteds?</p> <p>15 A. Not to my knowledge, no.</p> <p>16 Q. Do you recall anything changes -- 17 excuse me. Strike that.</p> <p>18 Do you recall anything changing in the 19 St. Louis County policies or practices following 20 that Department of Justice report?</p> <p>21 A. I'm sure. I mean, I don't know 22 specifics, but a lot has changed in a couple years.</p> <p>23 Q. Do you recall any in-service trainings 24 or any -- any other trainings or sort of group 25 meetings among -- within your department discussing</p>	<p>1 Ferguson sort of instances or the report that 2 followed?</p> <p>3 A. Yes.</p> <p>4 Q. What were those?</p> <p>5 A. Everybody wants to ask a police officer 6 their opinion.</p> <p>7 Q. Okay.</p> <p>8 A. I tend not to share my opinion with 9 anybody but, you know, close family.</p> <p>10 Q. Okay.</p> <p>11 A. But, you know, just what changes I see 12 in not only St. Louis County but in law enforcement 13 in general. And then community relations.</p> <p>14 Q. Conversations you've had around 15 community relations? Are these -- are these all 16 conversations that you're discussing that you've had 17 with your close family and friends?</p> <p>18 A. Yes.</p> <p>19 Q. Anything outside of that?</p> <p>20 A. No. People, you know, if they see 21 coming to or from work, I've had people stop me on 22 the street and say, Hey, what's going on? I don't 23 even know the person.</p> <p>24 Q. Got it, okay.</p> <p>25 A. And so different conversations with</p>

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<p style="text-align: right;">Page 101</p> <p>1 different types of people. 2 Q. Great. Thank you. 3 So I want to ask you a little bit -- 4 we've talked a little bit about the general orders 5 and procedures of the St. Louis County Police 6 Department. So let's dive into those a little bit. 7 So can you grab 13? 8 I'm going to show you a document. 9 So this is a document with Bates 10 identifier DEFRFP234000013. I'm marking it as 11 Walsh Exhibit 3. 12 (Exhibit 3 was marked for 13 identification.) 14 BY MR. HAMILTON: 15 Q. Handing it to you. 16 And Mr. Hughes, a copy for you. 17 Detective Walsh, do you recognize this 18 document? 19 A. Yes. 20 Q. Can you read for me what the -- the 21 title of the document is at the top center of the 22 page? 23 A. "Teletype and REJIS Terminal Policy." 24 Q. Yeah. And above that at the very top 25 of the page?</p>	<p style="text-align: right;">Page 103</p> <p>1 to subsection C, it reads as follows, and I guess 2 just confirm that I've read this correctly. 3 "The case officer must inform the 4 CARE/Records Clerk of the desired extradition limits 5 for any wanted person entries. When the suspect is 6 detained by a law enforcement agency based on the 7 wanted entry, the case officer will be notified and 8 is responsible for the suspect being picked up 9 and/or interviewed. The Prisoner Conveyance Unit 10 will only respond to adjoining Missouri counties, 11 and a suspect cannot be extradited across state 12 lines without a warrant." 13 Did I read that correctly? 14 A. Yes. 15 Q. Why do you think all of these 16 requirements are reserved for the case officer? 17 A. Their familiarity. 18 Q. And would you agree that it's also 19 based on the case officer's familiarity that they're 20 designated as the person responsible for the suspect 21 being picked up and/or interviewed? 22 MR. HUGHES: Well, object to the form 23 of the question. It's -- it's vague and calls for 24 speculation and conjecture as to what you mean by 25 that.</p>
<p style="text-align: right;">Page 102</p> <p>1 A. "Departmental General Order 11-26." 2 Q. Great. 3 Was this a general order that was in 4 effect during your time as a police officer? 5 A. Yes. 6 Q. I want to direct your attention to -- 7 to the second page. You'll see Section B. It's 8 titled "Wanted Warrants." Do you see that? 9 A. Yes. 10 Q. Subsection A states that "Only case 11 officers shall request wanted person entries." 12 What is a case officer? 13 A. The officer that has -- that controls 14 the scene. So depending on beat responsibility, 15 each precinct is broken down into beats. 16 Q. Uh-huh. 17 A. And if the call occurs in your beat, 18 you are therefore deemed case officer. 19 Q. Okay. And so it's -- I mean, why do 20 you think only a case officer can request a wanted 21 entry? 22 A. Because they're the most familiar with 23 the case. 24 Q. Makes sense to me. 25 I guess if you look down a little bit</p>	<p style="text-align: right;">Page 104</p> <p>1 BY MR. HAMILTON: 2 Q. I can rephrase if that's unclear. 3 A. Please. 4 Q. In the middle of that -- of section C, 5 there's language that says "The case officer will be 6 notified and is responsible for the suspect being 7 picked up and/or interviewed." 8 Why do you think it is the case 9 officer's responsibility to be responsible for 10 pickup and the interview of the suspect? 11 A. Familiarity and delegating 12 responsibilities. 13 Q. Why wouldn't another officer conduct an 14 interview? 15 A. Not always the case, but like I said, 16 familiarity with -- with the facts that are going 17 on. 18 Q. Got it. Okay. 19 So I am now going to show you a 20 document that is marked with Bates -- it's just the 21 next one -- with Bates DEFRFP234000017. We're going 22 to mark this as Walsh Exhibit 4. 23 (Exhibit 4 was marked for 24 identification.) 25 BY MR. HAMILTON:</p>

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<p>1 Q. Here you go. 2 And you'll see at the top -- well, 3 first of all, are you familiar with this document? 4 A. Yes. 5 Q. You'll see at the top it reads 6 "Department" -- "Departmental General Order 1526." 7 Would you agree with me that this is 8 the order that followed Exhibit 3 that we just 9 discussed? 10 A. Yes. 11 Q. If you'll turn to the next page, you'll 12 see once more that there's section B. And this is 13 closer to the middle of the page. Do you see that? 14 A. Yes. 15 Q. The title now reads "Wanted, warrants, 16 stop orders." What is a stop order? 17 A. Based off of probable cause, the case 18 officer has reason to believe that the person -- 19 person or persons could potentially flee to whether 20 it be adjoining counties or across state lines. 21 That officer contacts supervisor and the supervisor 22 determines as well that all of the facts presented 23 to him or her, that a stop order should be issued 24 based on that person potentially fleeing. 25 Q. So is it fair to say that a stop order</p>	<p>1 A. Yes. 2 Q. Let me rephrase. 3 But I'll -- I'll just rephrase just for 4 the benefit -- when a new general -- in your 5 experience as a police officer, when you have new 6 general orders that cancel older orders, is there 7 some sort of discussion about the amendments that 8 are made? 9 A. No. 10 Q. And how -- how does the department 11 ensure that police officers have read the new 12 general orders that come out? 13 A. Officers go into the past system and 14 reading the general order at the bottom, they put in 15 their user name and password specific to them 16 showing that they have read the general order. 17 Q. Is this -- this is a little technical, 18 but is it one of those things where you can scroll 19 down to the bottom and just put your password in, or 20 are there certain checkpoints that you have to -- 21 to -- to pass to show that you've read it? 22 A. There -- there are tests on some. Not 23 all but some. 24 Q. When are those tests administered? 25 A. I don't know the -- the rhyme or</p>
<p>1 is a type of wanted? 2 A. Type, yes. 3 Q. Now, subsection A contains bold 4 language. Would you -- if you don't mind -- if you 5 don't mind opening up Exhibit 3 just for comparison. 6 Would you agree with me that the language in 7 subsection A of Exhibit 4 is not contained in 8 Exhibit 3? 9 A. Yes. 10 Q. And so I'm going to read that new 11 language, and just let me know if it's correct. 12 It says, "Once the case officer has 13 determined probable cause exists that a person has 14 committed a crime, only the case officer shall 15 request wanted person entries. The case officer 16 will contact CARE or DCI word processing in 17 requesting a wanted entry on the person." 18 Did I read that correctly? 19 A. Yes. 20 Q. Do you recall why this language was 21 added to the general order? 22 A. No. 23 Q. Is it your recollection that when new 24 general orders come out, the -- the new additional 25 language is -- is discussed explicitly?</p>	<p>1 Page 106 2 reason. 3 Q. But are you aware of any schedule that 4 says, you know, we're conducting a test on General 5 Order 15-26? 6 A. No. 7 Q. Is -- what happens if you don't pass 8 that test? 9 A. You take it again. 10 Q. Okay. Are there any other consequences 11 that you're aware of? 12 A. Not that I'm aware of. 13 Q. Are you -- have you ever not passed one 14 of those tests? 15 A. Not to my knowledge. 16 Q. Do you know if officers are informed if 17 they have not passed the test? 18 A. I don't know. 19 Q. Do you know that you have passed all of 20 these tests? 21 A. I do. 22 Q. Okay. How were you informed that you 23 passed the test? 24 A. It's -- it's just a test at the bottom. 25 It might be five questions, might be 50 questions. And I've never been denied.</p>

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1 Q. Okay. So there's some sort of screen 2 or some sort of indication that you remember that 3 says -- 4 A. It's -- it's on the specific general 5 order. There's nothing that goes out that says you 6 need to log on and take this test. It is specific 7 to that general order at the very bottom. 8 Q. Uh-huh. 9 A. Not all of them have it. Some of them 10 do. 11 Q. Got it. Got it. Okay. 12 Why was this -- why do you think that 13 the language of probable cause existing appears in 14 this General Order 15-26 but did not appear in 15 11-26? 16 MR. HUGHES: Just object to the form of 17 the question. You're asking him to speculate. So 18 it calls for speculation and conjecture on his part. 19 And it could also be interpreted as being 20 argumentative. 21 You can still answer if he -- 22 THE WITNESS: I don't know. 23 BY MR. HAMILTON: 24 Q. Okay. But it's your understanding that 25 probable cause has always been a part of the	1 check, but will you agree with me that the bold 2 language that appears under section B, subsection 3 little A, is the new language that's been included? 4 A. Yes. 5 Q. So I'm going to read that bold 6 language. I'll read the entire thing, actually, 7 just -- and please confirm if I've read it 8 correctly. It says, "Once the case officer has 9 determined probable cause exists that a person has 10 committed a crime, they must have a review of the 11 facts supporting the case by their immediate 12 supervisor of his or her designee and receive 13 approval before questioning wanted person" -- 14 MR. HUGHES: Before "requesting." I 15 think you used the word "question" instead of -- I 16 think you said "questioning" instead of -- I think 17 you said "questioning" instead of "requesting." 18 MR. HAMILTON: Thank you. Thank you. 19 MR. HUGHES: I think you misread it. 20 MR. HAMILTON: I think you're -- 21 MR. HUGHES: I think it was honest -- 22 MR. HAMILTON: You're absolutely right, 23 Mike. Let me start over. 24 Q. "Once the case officer has determined 25 probable cause exists that a person has committed a
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1 requirement for issuing a wanted; is that correct? 2 A. Yes. 3 Q. Okay. You can close that. 4 One more on this, if you'll indulge me. 5 This is the last one. 6 So I'm now referring to a document with 7 Bates DEFRRP234000022. And it's going to be marked 8 as Walsh Exhibit 5. 9 (Exhibit 5 was marked for 10 identification.) 11 BY MR. HAMILTON: 12 Q. And Detective Walsh, will you agree 13 with me that this is Department General Order 16-26? 14 A. Yes. 15 Q. And that this replaces what was marked 16 as Exhibit 4 which was Department General Order 17 15-26? 18 A. Yes. 19 Q. And to your knowledge, is this a 20 department general order that is currently in 21 effect? 22 A. Yes. 23 Q. Great. 24 Let's turn to the next page, to 25 section B. And I'll give you an opportunity to	1 crime, they must have a review of the facts 2 supporting the case by their immediate supervisor or 3 his/her designee and receive approval before 4 requesting wanted person entries. Once approved, 5 the case officer will contact CARE or DCI word 6 processing and request a wanted entry on the person. 7 The name and the DSN of the approving supervisor 8 must be in the narrative of the CARE report." 9 Did I read that accurately? 10 A. Yes. 11 Q. Thank you. 12 Now, looking at this bold language, it 13 says, and correct me if I'm wrong, that the case 14 officer must receive approval before requesting a 15 wanted person entry -- 16 A. Yes. 17 Q. -- is that correct? 18 Did that conflict at all with the 19 practice that you're aware of of commencing 20 initiating a wanted and then having a conversation 21 with a supervising officer? 22 A. Could you clarify, please? 23 Q. Sure. 24 Do you understand this paragraph to 25 mean that before an officer can request a wanted

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<p style="text-align: right;">Page 113</p> <p>1 person entry, they must receive approval?</p> <p>2 A. Yes.</p> <p>3 Q. And am I correct that in our discussion</p> <p>4 previously, you talked about being on the scene and</p> <p>5 the decision to issue a wanted. You described two</p> <p>6 scenarios. One scenario was that you have a</p> <p>7 supervising officer with you. You talk through the</p> <p>8 case, and then you commence the wanted.</p> <p>9 In another scenario, you make a</p> <p>10 probable cause determination, you put it into -- you</p> <p>11 contact CARE, and then after that, you speak with a</p> <p>12 supervising officer; is that correct?</p> <p>13 A. Yes.</p> <p>14 Q. Based on your understanding and your</p> <p>15 reading of this paragraph, is that following the</p> <p>16 protocol as laid out here?</p> <p>17 A. Not the new, no.</p> <p>18 Q. Not the new --</p> <p>19 A. The new wording.</p> <p>20 Q. Not the new wording?</p> <p>21 A. No.</p> <p>22 Q. So it's correct that before -- based on</p> <p>23 your reading, based on this current language, an</p> <p>24 officer must receive approval from the supervising</p> <p>25 officer before they create the wanted?</p>	<p style="text-align: right;">Page 115</p> <p>1 the sake of everybody being on the same page, direct</p> <p>2 your attention to documents that have been marked</p> <p>3 DEFRRP1000014 which I am now marking as Exhibit 6.</p> <p>4 (Exhibit 6 was marked for</p> <p>5 identification.)</p> <p>6 BY MR. HAMILTON:</p> <p>7 Q. Walsh Exhibit 6. This is for you.</p> <p>8 Mr. Hughes, this copy is for you.</p> <p>9 Detective Walsh, do you recognize this</p> <p>10 document?</p> <p>11 A. I do.</p> <p>12 Q. What is it?</p> <p>13 A. It's an official St. Louis County</p> <p>14 police report.</p> <p>15 Q. Great.</p> <p>16 Because I don't operate in this system</p> <p>17 that you guys work in, I'm going to ask that you</p> <p>18 walk through this document in a little bit of</p> <p>19 detail. But let's start with the morning of</p> <p>20 January 25th, 2016 if you can remember.</p> <p>21 So if I'm going back -- going back to</p> <p>22 our timeline, you have just -- you have somewhat</p> <p>23 recently graduated from your probationary period; is</p> <p>24 that correct?</p> <p>25 A. Full year ago so this is two years.</p>
<p style="text-align: right;">Page 114</p> <p>1 A. Yes.</p> <p>2 Q. Okay. Let's close this. Just give me</p> <p>3 one second.</p> <p>4 If you-all don't mind, let's do this</p> <p>5 because I know we've got -- we've got a -- got a</p> <p>6 time crunch here. I -- I see about --</p> <p>7 MR. HOLLAND: Let's go off the record</p> <p>8 for a minute.</p> <p>9 THE VIDEOGRAPHER: The time is 11:59.</p> <p>10 We are off the record.</p> <p>11 (Recess taken.)</p> <p>12 THE VIDEOGRAPHER: The time is 12:09.</p> <p>13 We are back on the record.</p> <p>14 BY MR. HAMILTON:</p> <p>15 Q. Thank you very much.</p> <p>16 So we had just been talking about</p> <p>17 various general orders in the St. Louis County</p> <p>18 Police Department. And let's move on, actually,</p> <p>19 to the events that gave rise to this complaint.</p> <p>20 So I'm going to ask you to walk through</p> <p>21 the events that led up to the issuance of the wanted</p> <p>22 for Mr. Furlow in January of 2016. Are you familiar</p> <p>23 with those events?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. I'm actually going to, just for</p>	<p style="text-align: right;">Page 116</p> <p>1 Q. Oh, two years, right. Because you did</p> <p>2 the Academy -- I'm sorry. I'm just doing this for</p> <p>3 myself. You did the Academy second half of 2013,</p> <p>4 and then 2014 to 2015 you were a probationary</p> <p>5 officer, right?</p> <p>6 A. Uh-huh.</p> <p>7 Q. So is it correct that the beginning of</p> <p>8 2016 you've now been -- I see what you're saying.</p> <p>9 You've been an officer for a full year, but you are</p> <p>10 now no longer a probationary officer; is that</p> <p>11 correct?</p> <p>12 A. Correct.</p> <p>13 Q. Okay. Tell me what -- based on your</p> <p>14 recollection, what does your sort of day look like</p> <p>15 around this time?</p> <p>16 A. I was on afternoon shift, so I started</p> <p>17 my day at 10:30.</p> <p>18 Q. Okay. And in what precinct were you</p> <p>19 based at this time?</p> <p>20 A. North County First Precinct.</p> <p>21 Q. And you received a call about an</p> <p>22 alleged assault?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. Talk to me about what you recall</p> <p>25 of that call.</p>

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<p style="text-align: right;">Page 117</p> <p>1 A. I was -- I had just cleared from 2 another call. I don't know what call that was. But 3 Officer Ziegler responded there. He arrived before 4 me because I was coming from -- a ways from my last 5 call. And St. Louis County Dispatch advised that a 6 female -- it was a domestic violence call, and a 7 female neighbor had made a call saying that her 8 neighbor was just assaulted by her husband and that 9 the victim was on-scene and was very flustered, 10 nervous, upset.</p> <p>11 Q. Who is Officer Ziegler?</p> <p>12 A. He's another patrol officer in the 13 North County precinct.</p> <p>14 Q. Is he -- in terms of years on the 15 force, is he senior to you? Junior to you?</p> <p>16 A. Junior.</p> <p>17 Q. Junior.</p> <p>18 And as you indicated, he was closer and 19 he was the first officer to report on the scene?</p> <p>20 A. Yes.</p> <p>21 Q. About how far away were you coming 22 from?</p> <p>23 A. I know it was a ways. I don't remember 24 specifically where I was.</p> <p>25 Q. Why did the call come in to you?</p>	<p style="text-align: right;">Page 119</p> <p>1 address before the call came in?</p> <p>2 A. No.</p> <p>3 Q. Okay. So did you know any of the 4 individuals involved before arriving on the scene?</p> <p>5 A. No.</p> <p>6 Q. Okay. So talk to me about sort of what 7 happened when you arrived on the scene.</p> <p>8 A. I arrived on-scene and responded to 9 [REDACTED] where I was approached by the victim, 10 Mrs. Furlow. And Mrs. Furlow walked me through what 11 had just taken place.</p> <p>12 Q. If you don't mind, let's -- let's turn 13 two pages to what looks to be the narrative. Is 14 this the -- does this narrative capture what you -- 15 what you saw when you arrived on the scene?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. So you can -- you can keep 18 going. So you spoke to the victim. And what did 19 she say?</p> <p>20 A. She said that her husband, Dwayne, came 21 home, accused her of being unfaithful in their 22 marriage. He smacked her, knocked her to the 23 ground, stomped on her leg several times, tried 24 dragging her out of the house by her hair. And when 25 she got to the doorway, she was able to get up</p>
<p style="text-align: right;">Page 118</p> <p>1 A. It was my beat.</p> <p>2 Q. It was your beat?</p> <p>3 A. Uh-huh.</p> <p>4 Q. Okay. And so about -- it looks like -- 5 and I'm just going to start walking through the 6 document. If you look sort of on the left-hand side 7 towards the top where it says "CAD details"?</p> <p>8 A. Yes.</p> <p>9 Q. It says "Date/time received," it looks 10 like that's 12:25 on Monday; is that right?</p> <p>11 A. Uh-huh.</p> <p>12 Q. So is that shortly after the beginning 13 of your shift?</p> <p>14 MR. HUGHES: 1/25 on Monday, just so 15 we --</p> <p>16 MR. HOLLAND: The time, not the date.</p> <p>17 MR. HUGHES: Oh, I'm sorry, I'm sorry.</p> <p>18 I apologize.</p> <p>19 THE WITNESS: Roughly two hours after.</p> <p>20 BY MR. HAMILTON:</p> <p>21 Q. Okay. And so -- and the address that 22 is listed here right under "Respond Location" is 23 [REDACTED]; is that correct?</p> <p>24 A. Yes.</p> <p>25 Q. Were you familiar at this -- with this</p>	<p style="text-align: right;">Page 120</p> <p>1 and -- and flee the area.</p> <p>2 Q. And -- and so -- and she recounted 3 that -- that to you. What -- what happened next?</p> <p>4 A. While we were on-scene, she said that 5 he did leave, but was nervous about being in her 6 house alone. I said that while we were on-scene, I 7 said, "I'm not going to leave you in the house 8 alone."</p> <p>9 I said, "I'm going to take a protective 10 sweep around the outside and the inside to make sure 11 that he didn't double back and come in the back 12 door," to which she agreed and said that it was a 13 good idea to make sure that he wasn't in there 14 waiting for her.</p> <p>15 Q. Right.</p> <p>16 A. And while I did a protective sweep of 17 the residence, I observed a loaded AR15 in the 18 basement. I asked her about that, being that it was 19 a domestic violence issue. She had told me that 20 Dwayne was on probation for burglary and that she 21 had purchased the gun for their protection because 22 he was on probation.</p> <p>23 Q. Uh-huh.</p> <p>24 A. After rendering that the firearm 25 records check showed that the firearm was not</p>

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<p style="text-align: center;">Page 121</p> <p>1 stolen, she stated that that firearm belonged to 2 her. 3 I rendered it safe, placed it in her 4 vehicle as she told me that she was going to a 5 family member in St. Louis City. When she began 6 sort of packing her items, she had several large 7 clothing tubs, plastic tubs that she was trying to 8 move. I moved probably, I don't know, two, three of 9 them --</p> <p>10 Q. Uh-huh.</p> <p>11 A. -- to the back of her car. And she 12 said that she was pressing charges and she was done 13 with -- with Mr. Furlow.</p> <p>14 Q. Okay. And at any point in time during 15 the point in which you were interviewing Ms. Furlow 16 or at the residence, did you speak to Mr. Furlow?</p> <p>17 A. I did.</p> <p>18 Q. How did that come to pass?</p> <p>19 A. Her phone rang multiple times, and she 20 seemed to be -- originally I didn't know who was on 21 the other end. She just kept ignoring them. And 22 finally she showed me her phone and said, "It's 23 him."</p> <p>24 And I said, "Well, let me talk to him."</p> <p>25 I picked up the phone. The subject on</p>	<p style="text-align: center;">Page 123</p> <p>1 Q. What steps did you take to do that?</p> <p>2 A. After securing Mrs. Furlow in her 3 vehicle and making sure that the residence was 4 secure, I responded back to my patrol car, and I 5 believe at that time I contacted CARE.</p> <p>6 Q. And did you contact CARE in the way 7 that -- that we had discussed previously? You 8 called them up, and you described the individual for 9 whom you wanted a wanted placed?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. Did you consult with anybody 12 before placing that call?</p> <p>13 A. No.</p> <p>14 Q. Did you consult with anybody after 15 placing that call?</p> <p>16 A. Not to my knowledge, no.</p> <p>17 Q. What is the standard practice in your 18 experience when someone speaks to you over the 19 phone -- strike that.</p> <p>20 What is the standard practice when 21 somebody who you suspect may be involved in a crime 22 speaks to you over the phone and informs you that 23 they have legal counsel?</p> <p>24 A. I'm not sure of your question. I'm 25 sorry, could you rephrase?</p>
<p style="text-align: center;">Page 122</p> <p>1 the other end identified himself as Dwayne Furlow. 2 And I advised the subject on the other end that if 3 he was, in fact, Mr. Furlow, that he needed to 4 respond back to the scene.</p> <p>5 The subject on the other end told me 6 that he's already contacted his lawyers, that I was 7 going to lock him up, and that he was not going to 8 turn himself in.</p> <p>9 I informed Mr. Furlow that yes, he 10 would be under arrest and that if he did not respond 11 to the scene that a wanted would be placed out for 12 his arrest based on the probable cause that I've 13 determined, and that he would be picked up probably 14 at an inconvenient time in his life rather than 15 handling it right then and there.</p> <p>16 Q. So at what point in time sort of in -- 17 well, so that conversation ended and what happened 18 next?</p> <p>19 A. Mr. Furlow said he would not turn 20 himself in, shouted some expletives on the phone and 21 hung up.</p> <p>22 Q. And was it at this point in time that 23 you made a determination that a wanted was -- that 24 you would issue a wanted?</p> <p>25 A. Yes.</p>	<p style="text-align: center;">Page 124</p> <p>1 Q. Sure.</p> <p>2 No, it's probably terribly phrased.</p> <p>3 What -- what steps do you take -- did 4 you have any reason to believe that the person on 5 the other end of the phone that you were speaking to 6 was not Mr. Furlow?</p> <p>7 A. No.</p> <p>8 Q. What -- what -- what context clues or 9 factors did you take into account in making a 10 determination that you were actually talking to 11 Mr. Furlow over the phone?</p> <p>12 A. The -- the phone call came in to 13 Mrs. Furlow's phone. She recognized it as being -- 14 I'm not sure what she had him saved in her phone as. 15 She originally picked up. There was shouting back 16 and forth real quick. She acknowledged that it was 17 him, at which time I took -- took possession of the 18 phone and -- and talked to Mr. Furlow.</p> <p>19 Q. And so based on -- based on what you 20 described, did you have any reason to believe that 21 you were speaking to somebody who was not 22 Mr. Furlow?</p> <p>23 A. No.</p> <p>24 Q. So why, then, did you end up issuing a 25 wanted if you knew that the person that you were</p>

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1 speaking to over the phone was Mr. Furlow and he 2 explained that he would not -- he would not speak to 3 you? 4 A. Because there was probable cause for 5 the arrest for domestic violence and domestic peace 6 disturbance. 7 Q. Why wouldn't you then apply for a 8 warrant? 9 A. The -- I -- I would say it's more of -- 10 sorry, I'm having a little bit of a brain cramp. 11 Q. No worries. 12 A. That is following the general procedure 13 of -- of domestics and what is laid out through the 14 Prosecuting Attorney's Office, the formal 15 interview would be -- should be attempted. I 16 followed those guidelines. 17 Q. So even though, as -- as you've said, 18 that the purpose of issuing a wanted is to be able 19 to conduct a formal interview where you speak to 20 somebody, you issued a warrant -- excuse me -- you 21 issued a wanted? 22 A. Yes. 23 Q. Did you believe that in issuing a 24 wanted, you would be able to obtain any additional 25 information in talking to Mr. Furlow?	Page 125 1 A. Not necessarily, no. 2 Q. Okay. Is it common practice that even 3 if a person comes -- comes back to the scene to give 4 their side of the story that they're going to be 5 arrested? 6 A. No. 7 Q. So there are instances in which perhaps 8 a different type of crime or incident where you 9 would speak to somebody on the phone and say, you 10 know, come back to the scene and talk to me and they 11 might not be -- end up being arrested? 12 A. Correct. 13 Q. So I started on this question before 14 and I'm going to return to it. It's -- and I 15 apologize if you answer it again. I just don't 16 recall. 17 What is the standard practice when 18 somebody informs you over the phone that they've got 19 legal counsel and that they are not interested in 20 speaking to you? 21 A. I -- I wouldn't necessarily say there 22 is a standard of practice. Mr. Furlow just said, 23 "I'm not returning to the scene. I contacted my 24 lawyer and he told me not to turn myself in." 25 Q. Did you make any attempt to determine
Page 126 1 A. I always try and present it, you know, 2 to a suspect that, you know, this is their time to 3 give me their side of the story. Whether they 4 choose to or not, that's up to them. But I'm at 5 least going to give them the opportunity to give 6 their side. 7 Q. If Mr. Furlow had -- had come in and 8 spoken to you, what would that result -- what would 9 the result have been? 10 A. His -- his statement, whatever he had 11 to say or not say, would have been entered into the 12 police report, and he would have been taken into 13 custody based off of the facts that I was given 14 on-scene by Mrs. Furlow. 15 Q. So either way, Mr. Furlow was going to 16 be arrested; is that correct? 17 A. Yes. 18 Q. Is this -- is sort of this process that 19 you described that he would have been arrested 20 either way, is this particular to domestic violence 21 cases, or is this just the protocol that, you know, 22 if -- if there's probable -- strike that. 23 Is this -- is what -- is the process 24 that you've described specific to domestic violence 25 cases?	Page 128 1 who Mr. Furlow's lawyer was at the time? 2 A. No. 3 Q. Did you have any reason to question 4 Ms. -- Ms. Furlow's account of what happened at the 5 time? 6 A. Question? I'm sorry? 7 Q. Her account of the events that she 8 described that appear in your narrative? 9 A. Could you elaborate, please? 10 Q. Sure, yeah. 11 Did you -- yeah, as the reporting 12 officer, did you have any reason to think that the 13 account that Ms. Furlow was giving was not sort of a 14 complete or truthful account? 15 A. No. I had no indication of that. 16 Q. Okay. You have in your report that 17 you -- let me be a little bit more specific here. 18 So on -- if you look at your narrative, the second 19 page, toward the top it is written, "I observed no 20 bruises, swelling, or lacerations to Latoya F.'s 21 person. Latoya F. refused medical attention on the 22 scene." 23 So do I understand correctly that in -- 24 in looking at Ms. Furlow, you didn't see any sort 25 of -- any indication of -- any sign of injury?

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<p style="text-align: right;">Page 129</p> <p>1 A. No sign of injury.</p> <p>2 Q. On what was your probable cause based</p> <p>3 on?</p> <p>4 A. It was based on all of her statements</p> <p>5 that she provided.</p> <p>6 Q. So probable cause determination can be</p> <p>7 made by someone stating that I've -- I've been the</p> <p>8 victim of a crime and this is the person who did it.</p> <p>9 Is that sufficient for probable cause?</p> <p>10 A. Based on her statements, her</p> <p>11 interaction with me, her state of -- her demeanor</p> <p>12 on-scene, based on all of those, yes.</p> <p>13 Q. Did you make any determination that</p> <p>14 Ms. Furlow was of sound mind?</p> <p>15 A. Just by our interaction. I had no</p> <p>16 indication that she would not be.</p> <p>17 Q. So just to be clear, the -- the</p> <p>18 entirety of your probable cause determination was in</p> <p>19 speaking to Ms. Furlow and sort of observing her</p> <p>20 general state of being?</p> <p>21 A. Yes.</p> <p>22 Q. But you did not observe any sort of</p> <p>23 physical signs of sort of the incident that she</p> <p>24 recounted to you; is that right?</p> <p>25 A. Nothing physical injury-wise. Hair was</p>	<p style="text-align: right;">Page 131</p> <p>1 Q. So -- so even though -- and I'm just --</p> <p>2 correct me if I'm wrong. Even though both a warrant</p> <p>3 and a wanted have the same requirements of probable</p> <p>4 cause, the probable cause that you had established</p> <p>5 was sufficient for a wanted but was not sufficient</p> <p>6 for a warrant in your determination?</p> <p>7 A. No. I would say they're both --</p> <p>8 they're both -- in my determination they're both</p> <p>9 sufficient. But it's -- it's the powers above me</p> <p>10 that I have nothing to do with that would</p> <p>11 necessarily, I guess, entertain.</p> <p>12 Q. Your experience told you that you</p> <p>13 didn't have enough information based on your</p> <p>14 interview of Ms. Furlow and your conversation with</p> <p>15 Mr. Furlow for a successful warrant application; is</p> <p>16 that correct?</p> <p>17 MR. HUGHES: Just object to the form of</p> <p>18 the question. It misstates his testimony, I</p> <p>19 believe. But go ahead.</p> <p>20 BY MR. HAMILTON:</p> <p>21 Q. Please correct me if I'm wrong. I can</p> <p>22 restate it or I can say it again if that's helpful.</p> <p>23 A. No. Based -- based on experience, I --</p> <p>24 I -- I have enough for both. But like I said,</p> <p>25 that's above me. I -- I have enough. I would -- I</p>
<p style="text-align: right;">Page 130</p> <p>1 disheveled. Clothes were kind of ruffled.</p> <p>2 Q. Okay.</p> <p>3 A. But nothing physical on her person,</p> <p>4 per se.</p> <p>5 Q. Okay. Just to be clear, did you</p> <p>6 attempt to find out who Mr. Furlow's lawyer was that</p> <p>7 he referenced in your phone call?</p> <p>8 A. No.</p> <p>9 Q. Are you aware of any other teletypes</p> <p>10 that you can use to get in touch with a person that</p> <p>11 you are seeking?</p> <p>12 A. No.</p> <p>13 Q. So is it your understanding that the</p> <p>14 only way that you could have followed up to have a</p> <p>15 formal interview with Mr. Furlow was through the</p> <p>16 issuance of a wanted?</p> <p>17 A. Yes.</p> <p>18 Q. And that you -- but you didn't have the</p> <p>19 information sufficient for the application of a</p> <p>20 warrant at that time; is that correct?</p> <p>21 A. No, it's not.</p> <p>22 Q. So you could have applied for a warrant</p> <p>23 at that time; is that correct?</p> <p>24 A. I could. But based off of no formal</p> <p>25 interview, I likely wouldn't be entertained.</p>	<p style="text-align: right;">Page 132</p> <p>1 would feel comfortable going and applying for a</p> <p>2 warrant with what I had.</p> <p>3 Q. But you didn't because --</p> <p>4 A. Because the prosecutor wants a formal</p> <p>5 interview or an attempt at a formal interview.</p> <p>6 Q. Okay. Did you believe that Mr. Furlow</p> <p>7 would return home eventually?</p> <p>8 A. Likelihood, yes.</p> <p>9 Q. Did you attempt to follow up with</p> <p>10 Mr. Furlow sort of at his home?</p> <p>11 A. I did.</p> <p>12 Q. And with what result?</p> <p>13 A. Negative results.</p> <p>14 Q. At what point in time did you attempt</p> <p>15 such follow up?</p> <p>16 A. Later that night, the next day, and I'm</p> <p>17 not sure if it was three days in a row --</p> <p>18 Q. Sure.</p> <p>19 A. -- but I know it was several times.</p> <p>20 Q. Did you believe that Mr. Furlow</p> <p>21 presented a -- a threat to Ms. Furlow?</p> <p>22 A. From her account and her demeanor</p> <p>23 on-scene, yes, I did.</p> <p>24 Q. But despite this, it's your experience</p> <p>25 that those factors and circumstances would not be --</p>

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<p style="text-align: right;">Page 133</p> <p>1 would probably result in a warrant application being 2 denied; is that correct?</p> <p>3 A. Well, I mean, the wanted was placed out 4 for his arrest.</p> <p>5 Q. Right.</p> <p>6 A. Which the warrant would have done the 7 same --</p> <p>8 Q. Right.</p> <p>9 A. -- for his arrest.</p> <p>10 Q. Right.</p> <p>11 A. So could you kind of rephrase the 12 question, please?</p> <p>13 Q. Sure.</p> <p>14 I -- yeah, I guess I'm -- what I'm 15 trying to figure out, and -- and this may be ground 16 that we've already covered, is -- is your 17 determination if -- if he still presented a danger 18 to Ms. Furlow and you thought he was going to come 19 back home, why you ultimately didn't -- with the 20 information that you had, ultimately didn't apply 21 for a warrant. That's what I'm trying to figure 22 out.</p> <p>23 A. The wanted was -- I was following my -- 24 my standard of practice as well, that I would try 25 and get his side of the story of what's going on,</p>	<p style="text-align: right;">Page 135</p> <p>1 exactly 24 hours later. Do you recall having a 2 conversation with -- would it be Sergeant Rose?</p> <p>3 A. Yes. I did not have a --</p> <p>4 Q. A conversation?</p> <p>5 A. -- a conversation, no, not to my 6 recollection.</p> <p>7 Q. Okay. So that was -- that was approved 8 the next day.</p> <p>9 And then there's a final approval that 10 happened a few days later by -- is that Sergeant 11 Eilermann?</p> <p>12 A. No. She's a civilian employee.</p> <p>13 Q. Okay. What -- can you just explain 14 that process?</p> <p>15 A. She's a CARE operator.</p> <p>16 Q. I see.</p> <p>17 A. She's a supervisor in the CARE 18 department.</p> <p>19 Q. And so CARE gives the final approval?</p> <p>20 A. On the report itself. Yes.</p> <p>21 Q. Got it.</p> <p>22 Are -- have there ever been instances 23 in which the CARE provider has not provided final 24 approval?</p> <p>25 A. Not to my knowledge, no.</p>
<p style="text-align: right;">Page 134</p> <p>1 whether he wants to tell me his side or not, but get 2 everything together so I can present it to the 3 prosecutor and say, this is what we have.</p> <p>4 Q. Got it.</p> <p>5 A. So there would be no more question of, 6 well, Did you interview him? You didn't interview 7 him? What did he have to say?</p> <p>8 Q. Got it, okay.</p> <p>9 You made a reference to the powers that 10 be. And just to be clear, is it your understanding 11 that they -- do you think they use a different 12 standard for probable cause?</p> <p>13 A. No.</p> <p>14 Q. They just want to see an interview, a 15 formal interview of the suspect?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. So the wanted's in the system. 18 This -- this has happened on -- on the 25th of 19 January. To go back to -- to the front page, if you 20 don't mind, under "Management" toward the bottom, it 21 says "date/time entered," it looks like you entered 22 it on -- at 1:26.</p> <p>23 And then if you take a look below, it 24 says "Approval records." Supervisor review 25 happened, it looks like, the next day, almost</p>	<p style="text-align: right;">Page 136</p> <p>1 Q. Okay. So that was approved on 2 January 29th, that final approval was achieved on -- 3 on the 29th. So let's flip a couple more pages 4 to -- now, this is page 5 of 7 if you look in the 5 bottom right-hand corner. So this is the instance 6 in which Mr. Furlow was ultimately arrested. Do you 7 recall receiving a -- a call from the officer who 8 arrested Mr. Furlow?</p> <p>9 A. Yes.</p> <p>10 Q. Tell me about that call.</p> <p>11 A. The officer -- actually, the supervisor 12 contacted me. I was working as the desk officer 13 that night in the First Precinct. The supervisor 14 said that, Hey, we picked up a wanted. Gave me 15 Mr. Furlow's information and then said, you know, 16 he's saying he wants a lawyer. He's invoked his 17 right, and he's shouting expletives at us, and 18 that's about it.</p> <p>19 Q. Yeah. And what did you say?</p> <p>20 A. I said, Okay.</p> <p>21 And he said, He's already invoked his 22 right. Do you just want us to cancel the teletype 23 and -- and supplement it?</p> <p>24 And I said, Yes.</p> <p>25 Q. So I'm just reading from the narrative</p>

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<p style="text-align: right;">Page 137</p> <p>1 portion here, if you take a look at sort of the 2 paragraph that starts "on the above date." The 3 second sentence reads, "I contacted the 4 investigating Officer Walsh, DSN4068, and he asked 5 this officer to do the interview."</p> <p>6 Did -- is -- it sounds a little bit 7 different from what you described. Is there, based 8 on Mr. Furlow's invocation of his right not to -- to 9 speak, is an interview conducted in your experience, 10 or is the teletype just canceled?</p> <p>11 A. Could you -- 12 Q. Yeah, sure. 13 A. Please. 14 Q. That is -- that was muddled. 15 Did you ask the officer to conduct an 16 interview? 17 A. When I was told that he was screaming 18 and yelling and saying he wants, you know, wants a 19 lawyer, I said, you know, Conduct the interview, 20 give him -- read him his rights, that he wants his 21 -- if he wants his attorney, then I'll take care of 22 the warrant application. 23 But beings that I was on the desk, he 24 was there and he was already yelling to begin with. 25 The officer that made the arrest, I -- I told him</p>	<p style="text-align: right;">Page 139</p> <p>1 Q. Did you apply for a warrant thereafter? 2 A. Uh-huh. 3 Q. And was -- what was the result of that 4 warrant? 5 A. I'm not sure. 6 Q. Okay. 7 A. After I applied, this came about and I 8 kind of stayed out of it then. 9 Q. Did you hear anything from the 10 prosecutor's office -- 11 A. No. 12 Q. -- about your application? 13 A. No. 14 Q. And so following your conversation with 15 the officer who arrested Mr. Furlow, was 16 Mr. Furlow -- based on your understanding, was he -- 17 was he released? 18 A. He was held 24 hours. 19 Q. And he was held 24 hours because? 20 A. Department policy. 21 Q. Based on -- based on -- 22 A. Domestic violence. 23 Q. It was based on it being a domestic 24 violence instance. So he was just held for a 25 straight 24 hours.</p>
<p style="text-align: right;">Page 138</p> <p>1 to -- to conduct the formal interview. 2 Q. Okay. Did you learn anything about 3 sort of what that formal interview entailed? 4 A. Mirandizing and -- and telling him he 5 wants his lawyer and yelling at the officers. 6 Q. Okay. And based on your sort of 7 understanding and recollection of things, what 8 happened next? 9 A. That was it. The wanted was canceled. 10 And then -- 11 MR. HUGHES: Okay. Is that what 12 happened next? 13 THE WITNESS: Yeah. 14 MR. HUGHES: Okay. 15 BY MR. HAMILTON: 16 Q. Now, it says on the final page here at 17 the very top of the page, it says "Case 18 responsibility will be with PO Walsh." 19 What does that mean? 20 A. That means that the -- the actual case 21 will be my responsibility to do any follow-ups, to 22 conduct warrant application, things of that nature. 23 Q. And did you -- did you apply for a 24 warrant? 25 A. Not right then and there, no.</p>	<p style="text-align: right;">Page 140</p> <p>1 Were you aware of any other questioning 2 that occurred? 3 A. No. 4 Q. Have you ever had -- did you ever 5 encounter Mr. Furlow after -- after this instance? 6 A. Yes. 7 Q. What were those encounters? 8 A. The first one was -- I don't know the 9 exact date. It was a couple days after he was 10 arrested and released. I had received a call from 11 Mrs. Furlow wishing to recant her statement. After 12 that, I advised her that she needed to come in 13 person to give a written statement -- 14 Q. Uh-huh. 15 A. -- of her account of events both days, 16 why she was recanting, and I also asked her if she 17 was being forced into making this statement, in 18 which she said, no. Mrs. Furlow never responded, to 19 my knowledge, to the First Precinct. 20 Q. Uh-huh. 21 A. So therefore after Mr. Furlow was 22 released, I responded back to their residence to try 23 and get ahold of Mrs. Furlow to see if I could kind 24 of get a one-on-one with her to see why she recanted 25 her statement, make sure she's all right. And that</p>

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<p>1 was our first encounter with Mr. Furlow. 2 Q. Okay. And there were others? 3 A. Yes. 4 Q. What were the nature of those other -- 5 other encounters? 6 A. It was calls for service to and around 7 their residence. Neighbors had called to complain 8 that their -- the Furlows' children, one was cutting 9 through the backyard of this gentleman's residence 10 and damaged their fence. 11 Another was a -- a property owner of a 12 residence on their property, neighbor called saying 13 that his shed of his -- next to his house, the 14 shingles were being ripped off by Mr. Furlow's son. 15 And I believe another one was for a 16 loose dog that came from the Furlow's residence that 17 was apparently chasing and attacking small children 18 in the neighborhood. 19 Q. And on what basis did you apply for a 20 warrant for Mr. Furlow? 21 MR. HUGHES: Well, are you talking 22 about the domestic violence case? Or are you 23 talking about -- 24 MR. HAMILTON: Well, I'm -- I'm just 25 going back to Detective Walsh's prior testimony.</p>	<p>1 accomplish all of those things, move out. 2 Q. Uh-huh. Is this something that would 3 be employed if somebody were picked up on a wanted 4 days, weeks, or months after the initial incident? 5 A. Uh-huh, yes. 6 Q. So even -- even if the exigency, let's 7 call it, is -- or the -- the time close to the 8 incident has now grown, that 24-hour sort of 9 mandatory hold for domestic violence suspects is 10 still enforced? 11 A. Yes. 12 MR. HAMILTON: Okay. Mr. Hughes, I'll 13 pass the witness to you. 14 MR. HUGHES: Oh, thank you. 15 EXAMINATION 16 BY MR. HUGHES: 17 Q. First, a few matters just to see if I 18 understood your -- some of your testimony correctly 19 or not. Maybe I did, maybe I didn't. 20 You gave some testimony that, to my 21 ears, and my hearing is getting not as good as it 22 used to be, sounded a little bit conflicting. You 23 made a statement, and I'm looking at my notes, which 24 it's hard to read my notes. Certain municipalities 25 have said you can release to a court date. And then</p>
<p>1 MR. HUGHES: Okay. 2 MR. HAMILTON: You said you applied for 3 a warrant. 4 THE WITNESS: Right. 5 BY MR. HAMILTON: 6 Q. And what was the basis for that 7 application? 8 A. The domestic violence. 9 Q. Domestic violence, okay. 10 A. Yes. 11 Q. I just want to go back quickly to -- to 12 the policy. What is the purpose of the 24-hour hold 13 policy for domestic violence? 14 A. A number of things. One, the victim is 15 able to seek an order of protection against the 16 suspect. Could seek medical attention -- 17 Q. Uh-huh. 18 A. -- that person maybe was in fear 19 of -- of doing while the suspect was near or around 20 them. And it's also -- can be used for that 21 person -- it becomes real when a suspect is 22 arrested. 23 Q. Uh-huh. 24 A. So it kind of gives the ability for the 25 victim to feel a little bit, I guess, empowered to</p>	<p>1 another point you said something, other 2 jurisdictions -- I can't read my writing, but you 3 talk about -- this was in connection with wanteds. 4 So -- and my question is -- is St. Louis County -- 5 is St. Louis County Police Department the only 6 jurisdiction that employs wanteds, to your 7 knowledge? 8 A. No. 9 Q. Okay. So -- and these attorneys who 10 came from out-of-state may not realize, for example, 11 that the City of St. Louis is sort of a county 12 within a county -- a county within -- is sort of its 13 own county; is that correct? 14 A. Correct. 15 Q. So there's St. Louis County where 16 we're at -- you know, and then there's the County of 17 the City of St. Louis; is that correct? 18 A. Yes. 19 Q. Okay. Does the County of the City of 20 St. Louis employ wanteds? 21 A. Yes. 22 Q. Yeah. So -- so in your experience, for 23 example, driving a patrol car if you happen to pull 24 someone over, there could be a wanted for the City 25 of St. Louis; is that correct?</p>

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1 A. Yes. 2 Q. And then there are -- in St. Louis 3 County there are multiple, multiple municipalities; 4 is that correct? 5 A. Yes. 6 Q. Do those multiple municipalities use 7 systems of wanteds too? 8 A. Yes. 9 Q. Now, I think there's been testimony 10 in -- in some other deposition about REJIS being a 11 regional system; is that correct? 12 A. Yes. 13 Q. And is it your -- do you know, is 14 St. Charles County part of REJIS too? 15 A. Yes, I believe so. 16 Q. Okay. So -- so anyway, would it be 17 fair statement that all these, you know, 18 municipalities or counties who are part of the REJIS 19 system, they use the system of wanteds; is that 20 correct? 21 A. Yes. 22 Q. And so St. Louis County does not stand 23 alone; is that correct? 24 A. Yes. 25 Q. And correct me if I'm wrong. Kansas --	1 on a -- summons; is that -- is that a fair 2 statement? 3 A. Uh-huh. 4 MR. HAMILTON: Objection to form. 5 BY MR. HUGHES: 6 Q. So in those statements you -- and then 7 if you apply for a warrant, you would apply for a 8 warrant without having issued a wanted; is that 9 correct? 10 A. Yes. 11 Q. Okay. And you made some statement that 12 they have 24 hours to conduct an interview. Or 13 maybe you just said yes to that question. 14 And are you familiar with the 24-hour 15 statute? 16 A. Yes. 17 Q. Now, are officers trained to do what 18 they can to -- other than let's say domestic 19 violence cases, to -- to do what they can to apply 20 before the expiration of the 24 hours? 21 A. Yes. 22 Q. Okay. So -- if all of a sudden they 23 have information in five hours or ten hours or 16 24 hours, they -- they do so; is that correct? 25 A. Yes.
1 would it be correct, that the Kansas City area, if 2 you know this, has a system of wanteds except they 3 have a different name like stop orders or persons of 4 interest, but it's the same thing; is that correct? 5 MR. HAMILTON: Objection to form. 6 BY MR. HUGHES: 7 Q. As far as you know or not? 8 A. I'm unaware of Kansas City. 9 Q. Okay. But as far as -- okay. And I 10 think you might have asked -- might have answered a 11 question this way. I know you're asked a lot of 12 questions, but it seemed like you were asked, is a 13 warrant always preceded by a wanted? And according 14 to my notes, you said, yes. And I think I might 15 have objected to the form of the question as being 16 overbroad, but -- so I want to follow up on that, 17 but I just wanted to, you know -- 18 MR. HAMILTON: Objection to form. 19 BY MR. HUGHES: 20 Q. -- leading up. If, for example, you 21 speak to someone on -- right on the scene and, you 22 know, you asked them to give you a statement, and 23 they give you their statement and then you decide to 24 bring them into custody or not to bring them into 25 custody or to just move on or to -- to release them	1 Q. Okay. They don't -- it's not the 2 practice to wait til the 23 -- 23 and a half hours 3 go by, is it? 4 A. No. 5 Q. Okay. Let me -- why don't we mark this 6 as Defendant's Exhibit A. 7 (Exhibit A was marked for 8 identification.) 9 BY MR. HUGHES: 10 Q. Now, looking at Defendant's Exhibit A, 11 what -- what is that? 12 A. This is a calls for service via CAD. 13 Q. Okay. And -- and those are -- I think 14 you alluded to this earlier -- has, you know, kind 15 of like a dispatcher summary of things or -- 16 A. Yes. 17 Q. -- entries made by the dispatcher; is 18 that correct? 19 A. Yes. 20 Q. They're -- they're not entries made by 21 you; is that correct? 22 A. Yes. 23 Q. Okay. And so it indicates that there 24 was a caller; is that correct? 25 A. Yes.

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<p>1 Q. And what is the name of the caller? 2 A. That says Steve Arnold. 3 Q. Okay. So this caller was not Latoya 4 Furlow; is that correct? 5 A. Correct. 6 Q. And then it also has an address of the 7 caller; is that correct? 8 A. Yes. 9 Q. What is that? 10 A. [REDACTED]. 11 Q. So that is -- you've learned that's not 12 the Furlow's address; is that correct? 13 A. Yes. 14 Q. Okay. And also it indicates the call 15 was received at what time? 16 A. 12:25. 17 Q. Okay. And then did the dispatcher -- 18 does it appear that the dispatcher notified any 19 other entity other than the police department first 20 or at any time? 21 A. Spanish Lake Fire and Christian 22 Hospital EMS. 23 Q. So -- so the dispatcher, you gather 24 from that the dispatcher here -- upon hearing the 25 call notified EMS? Is that correct? And even the</p>	<p>1 Q. Oh, I see. Okay. And then -- and then 2 after that, what does it say? 3 A. "Dwayne, black male, Cadillac DTS, 4 tinted windows." 5 Q. Which means what? 6 A. He is potentially driving a Cadillac 7 DTS. 8 Q. Oh, okay, with tinted windows. Okay. 9 And -- and then -- and then -- after that what does 10 it say? 11 A. "Direction of travel, right towards 12 Larimore." It says "Latimore" but it should be 13 "Larimore Road." 14 Q. Okay. And -- and then 12:38, what does 15 it say? 16 A. "Ambulance is 76" -- which means 17 en route -- "and advise when scene is secure." 18 Q. So that would suggest to you they're 19 going to stage someplace when it's secure; is that 20 correct? 21 A. Yes. 22 Q. Okay. And -- and then at -- after that 23 12:28, what does it state? 24 A. "He departed in vehicle with daughter." 25 Q. Okay. And then -- and then after that,</p>
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<p>1 fire department? 2 A. Yes. 3 Q. Is that correct? 4 Now, when EMS in -- in a violent 5 situation and fire department are notified, do they 6 go right to the scene, or do they stage nearby until 7 it's safe? 8 A. They stage. 9 Q. Okay. And -- and then at 12:26, is 10 there an entry there by the dispatcher? 11 A. Yes. 12 Q. And what does it say? 13 A. "Neighbor came over stating her husband 14 beat her up." 15 Q. Okay. So initially that's not the -- 16 Latoya Furlow calling to say, my husband beat me up. 17 It's a neighbor came over stating her husband beat 18 her up; is that correct? 19 A. Yes. 20 Q. Okay. And then it has something about 21 at 12:27 there's a couple entries that I can't quite 22 make out. What are they? 23 A. First one, "He is at 1230." 24 Q. Do you know what that means? 25 A. 1230 Maple is their residence.</p>	<p>1 what does it state at 12:28? 2 A. "Caller distraught and crying on 3 phone." 4 Q. Okay. So initially the -- a neighbor 5 called at 12:25, it looks like, and then three 6 minutes later it's no longer the neighbor. It's -- 7 it's Mrs. Furlow, "Caller distraught and crying on 8 the phone." Is that correct? 9 A. Yes. 10 Q. Okay. Then what time did you arrive? 11 A. I arrived at 12:36. 12 Q. Okay. So you arrived -- let's see. 13 That would be eight minutes later after the 14 dispatcher hears a caller distraught and crying on 15 the phone; is that correct? 16 A. Yes. 17 Q. Will you describe in detail, or at 18 least give us, you know, some sort of description of 19 whether or not when you arrived eight minutes later, 20 whether or not she was crying and distraught? 21 A. She was crying profusely. 22 Q. Okay. And what about distraught? 23 Would you still describe it as distraught? 24 A. Yes. 25 Q. Okay. How long did that crying</p>

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<p style="text-align: right;">Page 153</p> <p>1 continue while you were there? 2 A. Until I left the scene and she was 3 driving away in her vehicle. 4 Q. Okay. And she was driving away and -- 5 so she was crying -- so she was crying -- driving 6 away in her vehicle? 7 A. Yes. 8 Q. So you talked before about a protective 9 sweep. Was she crying while you were doing the 10 protective sweep? 11 A. Yes. 12 Q. Was she still distraught while you were 13 doing the protective sweep? 14 A. Yes. 15 Q. Okay. And did -- did -- did you have 16 any reason to believe that her life could be in 17 danger or that this was a very, very dangerous 18 situation? 19 A. Yes. 20 Q. Tell us why. 21 A. I treat every domestic as such. Just 22 because there's a lot of emotion that goes into 23 them. When I got into the basement and saw the 24 loaded AR15 and Mrs. Furlow in her state of mind, 25 stating that she was in fear that, you know, Dwayne</p>	<p style="text-align: right;">Page 155</p> <p>1 Q. Did you do anything to try to show 2 concern and compassion towards her? 3 A. counseled her on how to obtain a 4 protection order for her and her children. I 5 secured several items into her vehicle, and I stayed 6 with her until she gathered up a good portion of her 7 belongings and placed them into her vehicle. 8 Q. Now, tell us about that AR15 rifle. 9 Was it empty? 10 A. No. 11 Q. Tell us about it. 12 A. There was one live round in the 13 chamber, and there were 29 rounds in the magazine. 14 Q. Okay. So I notice that there's an 15 alderman in the City of St. Louis -- I realize 16 that's a different jurisdiction than St. Louis 17 County -- has said she wants -- wants to file some 18 sort of bill to make AR15s completely illegal in the 19 City of St. Louis? 20 MR. HAMILTON: Objection to form. 21 BY MR. HUGHES: 22 Q. Were you aware of that? 23 A. Yes. 24 Q. Would you agree they're highly 25 dangerous?</p>
<p style="text-align: right;">Page 154</p> <p>1 was going to come back or Dwayne was -- being that 2 he was on -- on probation and a convicted felon, he 3 had a little bit more, I guess, to worry about that 4 he's dealing with a probation status as well. 5 Q. Okay. So he had -- he had -- he had to 6 worry not only about this domestic violence charge. 7 He had to worry about his probation status; is that 8 correct? 9 MR. HAMILTON: Objection to form. 10 BY MR. HUGHES: 11 Q. Is that what you just said? 12 A. Yes. 13 Q. Okay. So you still -- did you -- while 14 she was doing all this -- while she was being 15 distraught and while she was crying, did you have 16 any reason to think that she was making all this up? 17 A. No. 18 Q. Do you have any reason to think she was 19 putting on an act? 20 A. No. 21 Q. Did you think she was very believable? 22 A. Yes. 23 Q. Did -- did you believe she was truly in 24 distress? 25 A. Yes.</p>	<p style="text-align: right;">Page 156</p> <p>1 A. Yes. 2 MR. HAMILTON: Objection to form. 3 BY MR. HUGHES: 4 Q. Now -- now, why -- why is it -- did 5 she -- did -- did Mrs. Furlow explain to you why 6 they had the AR15 rifle in the house? 7 A. Yes. 8 Q. What was that? 9 A. For their protection. 10 Q. They needed an AR15 rifle in their 11 house -- 12 MR. HAMILTON: Objection to form. 13 BY MR. HUGHES: 14 Q. -- for their protection, is that what 15 you're saying? 16 A. Yes. 17 Q. Okay. Did -- did that alert you that 18 this is -- did -- did that alert you that that would 19 also be dangerous? 20 MR. HAMILTON: Objection to form. 21 BY MR. HUGHES: 22 Q. Is that correct? 23 A. Yes. 24 Q. Do you have -- did she volunteer what 25 could be going on in the house that -- where they</p>

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<p style="text-align: right;">Page 157</p> <p>1 would need an AR15 rifle for protection? 2 MR. HAMILTON: Objection to form. 3 THE WITNESS: No. 4 BY MR. HUGHES: 5 Q. Okay. Now, you alluded to something a 6 little while ago that she had mentioned that she had 7 purchased that AR15 rifle herself? 8 A. Yes. 9 MR. HAMILTON: Objection. 10 BY MR. HUGHES: 11 Q. Now, what did you say about that? 12 A. She said she -- she purchased the AR15 13 because Dwayne was on probation, couldn't purchase 14 it himself. 15 Q. Now -- okay. So why -- why couldn't he 16 purchase it himself? 17 MR. HAMILTON: Objection. 18 THE WITNESS: Because he's a convicted 19 felon. 20 BY MR. HUGHES: 21 Q. Oh, so you're saying in the State of 22 Missouri, convicted felons aren't supposed to have 23 AR15 rifles? 24 MR. HAMILTON: Objection. 25 THE WITNESS: Yes, in the country as</p>	<p style="text-align: right;">Page 159</p> <p>1 MR. HAMILTON: Objection. 2 THE WITNESS: Yes. 3 BY MR. HUGHES: 4 Q. Okay. Now, you indicated you helped 5 carry some boxes of clothing to the car; is that 6 correct? 7 A. Yes. 8 Q. What about that rifle? 9 A. Yes. 10 Q. Yes, what? 11 A. I carried it to the vehicle. 12 Q. Did you keep it loaded? 13 A. No. 14 Q. What did you do? 15 A. I rendered it safe by unloading it. 16 Q. Okay. And did she specifically tell 17 you that she would prosecute her husband? 18 A. Yes. 19 Q. Okay. You indicated that assault B -- 20 you were charging her with assault third and 21 domestic peace -- you're going to charge Mr. Furlow 22 with assault third and domestic peace disturbance; 23 is that correct? 24 A. Yes. 25 Q. If this happened today instead of a</p>
<p style="text-align: right;">Page 158</p> <p>1 well. 2 BY MR. HUGHES: 3 Q. Okay. And -- and what about this -- 4 this fact that -- well, let me ask you this: How 5 would you describe the purchase by a spouse of -- 6 MR. HAMILTON: Objection. 7 MR. HUGHES: -- of a AR15 rifle, you 8 know, for -- for her spouse who's a convicted felon? 9 MR. HAMILTON: Objection. 10 THE WITNESS: So per federal 11 guidelines, it's a straw purchase. 12 BY MR. HUGHES: 13 Q. So this is a federal offense; is that 14 correct? 15 MR. HAMILTON: Objection. 16 BY MR. HUGHES: 17 Q. You said -- did you say per federal -- 18 A. Yes. 19 Q. -- laws? Okay. 20 And -- and the fact that she may have 21 violated a federal law by making a straw purchase -- 22 MR. HAMILTON: Objection. 23 BY MR. HUGHES: 24 Q. -- would that suggest to you that this 25 man could be manipulative?</p>	<p style="text-align: right;">Page 160</p> <p>1 year ago when it happened -- are the domestic 2 violence statutes different? Could you have charged 3 them with something different today? 4 MR. HAMILTON: Objection. 5 THE WITNESS: Yes. 6 BY MR. HUGHES: 7 Q. What? 8 A. A Class E felony. 9 Q. Okay. So if the same thing happened 10 today, Mr. Furlow could be charged with a Class E 11 felony; is that correct? 12 MR. HAMILTON: Objection. 13 THE WITNESS: Yes. 14 BY MR. HUGHES: 15 Q. Okay. Now, you mentioned earlier that 16 the next day you spoke to her on the telephone and 17 she recanted; is that correct? 18 A. Yes. 19 Q. Tell us your thoughts about that -- 20 MR. HAMILTON: Objection. 21 BY MR. HUGHES: 22 Q. -- when she recanted. 23 A. She stated that she wished to recant 24 her statement and that she made everything up. I 25 asked her if she would -- if anybody was coercing</p>

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<p style="text-align: right;">Page 161</p> <p>1 her into making that statement, and she said, no. 2 I asked her to respond to the First 3 Precinct in person and make a written statement. 4 She wanted to know what was going to happen, and I 5 told her that per State of Missouri, all domestics 6 are still investigated and victimless crimes are 7 prosecuted. So that her statement would be taken 8 into account, but ultimately the prosecuting 9 attorney would determine.</p> <p>10 Q. That's -- that's nice. But let me ask 11 you this: Did -- did the recanting the next day -- 12 MR. HAMILTON: Objection.</p> <p>13 BY MR. HUGHES: 14 Q. -- did it ring true to you? 15 A. No. It seemed a little odd. 16 Q. Tell us why. 17 A. It seemed odd by her statement on-scene 18 and then her demeanor. 19 Q. On-scene? 20 A. Yes. 21 Q. Okay. And -- and how was she talking 22 to you when she was on the telephone and she wanted 23 to recant? Was her voice patterns different? 24 A. She was very fast-paced. She seemed a 25 little agitated, anxious.</p>	<p style="text-align: right;">Page 163</p> <p>1 BY MR. HUGHES: 2 Q. She was still crying long after the 3 call -- the initial call was made by the neighbor; 4 is that correct? 5 MR. HAMILTON: Objection. 6 THE WITNESS: Yes. 7 BY MR. HUGHES: 8 Q. Okay. Now, you testified earlier that 9 you did speak with Mr. Furlow on the telephone; is 10 that correct? That you spoke with a man that you 11 were pretty sure was Mr. Furlow and you explained 12 why; is that correct? 13 A. Yes. 14 Q. Okay. When -- and you mentioned 15 earlier that he said -- and including the words he 16 said was, If I turn myself in, I will be locked up; 17 is that correct? 18 A. Yes. 19 Q. Did he ever deny that he did not strike 20 his wife? 21 A. No. 22 MR. HAMILTON: Objection. 23 BY MR. HUGHES: 24 Q. He never once did? 25 A. No.</p>
<p style="text-align: right;">Page 162</p> <p>1 Q. And -- and tell us again why you wanted 2 her to come in. I mean, did you have any concern 3 about her? 4 A. Yes. I did. 5 Q. What? Tell us. 6 A. I had concern for her. She said she 7 had multiple children that were living in the house 8 as well. And in my dealing with domestics, usually 9 recanting can -- can occur, but more times than not, 10 the first statement that is made by the victim is 11 usually the most truthful one.</p> <p>12 Q. Okay. Now, you were asked what the 13 probable cause was to -- to arrest Mr. Furlow. 14 First of all, you saw Mrs. Furlow yourself; is that 15 correct? 16 A. Yes. 17 MR. HAMILTON: Objection. 18 BY MR. HUGHES: 19 Q. And -- and -- and she made a statement 20 to you that she had been assaulted; is that correct? 21 A. Yes. 22 Q. And also you mentioned before she was 23 crying and she was distraught; is that correct? 24 MR. HAMILTON: Objection. 25 THE WITNESS: Yes.</p>	<p style="text-align: right;">Page 164</p> <p>1 Q. Okay. So just add all these things up. 2 You -- you -- you saw what you saw. You saw 3 Mrs. Furlow crying and being distressed -- being 4 distraught and saying she wants to prosecute; is 5 that correct? 6 A. Yes. 7 Q. And then when you spoke to Mr. Furlow 8 on the phone, he did not deny that he struck her; is 9 that correct? 10 MR. HAMILTON: Objection. 11 THE WITNESS: Yes. 12 BY MR. HUGHES: 13 Q. And -- and then regarding the 24-hour 14 hold in domestic violence cases, I know there is 15 something alleged in the first amended complaint 16 which was -- I'll read it to you -- which was Gomez 17 Exhibit 4, where it's alleged that an attorney, 18 presumably an attorney for Mr. Furlow, spoke to a 19 Sergeant James Grace about Mr. Furlow being in 20 custody. And I don't know if he spoke -- I don't 21 know who this attorney was. He wasn't identified. 22 But it says that Sergeant James Grace made the 23 statement to counsel that Walsh followed department 24 procedures? 25 MR. HAMILTON: Objection.</p>

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	Page 165	Page 167
1	BY MR. HUGHES:	1 A. Yes.
2	Q. So my question to you is: Is it true	2 Q. And would you agree that, you know --
3	you followed department procedures in everything you	3 would you agree that the -- it gives the victim, you
4	did?	4 know, some physical emotional protection during this
5	A. Yes.	5 24 hours?
6	Q. Okay. And even -- even this 24-hour	6 A. Yes.
7	domestic violence hold, was there anything in the	7 Q. And you mentioned it -- it makes it
8	report where you said, I -- I -- I want him held for	8 real, when you said that, it makes it real for the
9	24 hours?	9 domestic abuser; is that correct?
10	A. No.	10 A. Yes.
11	Q. Okay. But it is a policy of the police	11 MR. HAMILTON: Objection.
12	department; is that correct?	12 BY MR. HUGHES:
13	A. Yes.	13 Q. And would be -- so the hope is he won't
14	Q. You're not some sort of rogue cop, and	14 do it again; is that correct?
15	I apologize for using that term --	15 MR. HAMILTON: Objection.
16	MR. HAMILTON: Objection.	16 THE WITNESS: Yes.
17	BY MR. HUGHES:	17 BY MR. HUGHES:
18	Q. -- going outside the policy; is that	18 Q. Would you agree it's not intended for
19	correct?	19 you to do an investigation?
20	A. Yes.	20 A. Yes.
21	Q. Okay. So you're just doing your job;	21 Q. Would you agree it's only intended to
22	is that correct?	22 protect the victim?
23	A. Yes.	23 A. Yes.
24	Q. Did you have any malice towards	24 Q. Let's -- let's go to -- let's make sure
25	Mr. Furlow?	25 we've covered everything in the police report that's
	Page 166	Page 168
1	A. No.	1 been marked as an exhibit, Exhibit 6, Walsh 6.
2	Q. Did you know him before?	2 So on the front page it says, "Call
3	A. No.	3 received radio."
4	Q. Did you have any ill will towards	4 And then it says, "Reporting Officer
5	Mr. Furlow?	5 Walsh." Is that correct?
6	A. No.	6 A. Yes.
7	Q. Okay. Were you just attempting to	7 Q. So just -- just so we understand, and I
8	punish Mr. Furlow for any reason?	8 guess it goes without saying, but let's say it. You
9	A. No.	9 did not arrive making accusations to Mr. Furlow.
10	MR. HAMILTON: Objection.	10 There was a call on the radio where someone else was
11	BY MR. HUGHES:	11 making accusations; is that a fair statement?
12	Q. Okay. Now, you sort of addressed	12 MR. HAMILTON: Objection.
13	various reasons why, you know, you think that a	13 THE WITNESS: Yes.
14	24-hour old for domestic violence cases exist. But	14 BY MR. HUGHES:
15	was that there before you started, by the way?	15 Q. Okay. And -- and the initial caller,
16	A. Yes.	16 we dealt with this in the CAD report, was someone
17	Q. Okay. But you mentioned it gives the	17 named Steve Arnold; is that correct?
18	victim time to engage -- to get -- for an order of	18 MR. HAMILTON: Objection.
19	protection; is that correct?	19 THE WITNESS: Yes.
20	A. Yes.	20 BY MR. HUGHES:
21	Q. And it also gives the victim time to	21 Q. That's listed there? Okay.
22	seek medical help; is that correct?	22 And -- and it says "Final Approval."
23	A. Yes.	23 And it has a supervisor review that was the next
24	Q. And would it be true it also gives the	24 day. And then you mention there's a CARE final
25	victim time to find and move into a safe house?	25 approval. That CARE clerk doesn't approve it for

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<p style="text-align: right;">Page 169</p> <p>1 probable cause. Would it be a fair statement she 2 approves it for whatever the procedures for CARE is 3 involved?</p> <p>4 A. Yes.</p> <p>5 MR. HAMILTON: Objection.</p> <p>6 BY MR. HUGHES:</p> <p>7 Q. Okay. And it listed the -- the 8 victim's name? Latoya Furlow; is that correct?</p> <p>9 A. Yes.</p> <p>10 Q. And -- oh, here's something that wasn't 11 addressed on earlier questioning. It says, 12 "Physical state/emotions." And what are -- what 13 are -- what did you put there?</p> <p>14 A. Angry, crying, fearful, afraid, 15 nervous.</p> <p>16 Q. Okay. And I -- by the way, I want you 17 to assume it's true, that there was a deposition 18 yesterday where Mr. Furlow, with his attorney, 19 turned himself in --</p> <p>20 MR. HAMILTON: Objection.</p> <p>21 BY MR. HUGHES:</p> <p>22 Q. -- to the police station. I just want 23 you to assume it's true, and then he was released on 24 a summons.</p> <p>25 Let me ask you this: You were asked --</p>	<p style="text-align: right;">Page 171</p> <p>1 against another female was Mr. Furlow?</p> <p>2 MR. HAMILTON: Objection.</p> <p>3 THE WITNESS: Yes.</p> <p>4 BY MR. HUGHES:</p> <p>5 Q. Okay. So now you -- so now you know 6 that at least two times he's been accused of 7 violence to a female; is that correct?</p> <p>8 MR. HAMILTON: Objection.</p> <p>9 THE WITNESS: Yes.</p> <p>10 BY MR. HUGHES:</p> <p>11 Q. Okay. And you -- you mentioned that 12 you issued a wanted but you still -- you didn't stop 13 there. You actually went by the house; is that 14 correct?</p> <p>15 A. Yes.</p> <p>16 Q. And you -- did you have a -- one of the 17 reasons you went by the house is to make sure 18 Mrs. Furlow was okay; is that correct?</p> <p>19 A. I was making sure that if she did 20 return back to her residence that she was okay and 21 see if Mr. Furlow did, in fact, return to the 22 residence.</p> <p>23 Q. And also you went back -- you were 24 looking for Mr. Furlow; is that correct?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 170</p> <p>1 did -- did any attorney ever call you up and say, 2 Now we'll turn him in --</p> <p>3 THE WITNESS: No.</p> <p>4 BY MR. HUGHES:</p> <p>5 Q. -- voluntarily? Okay.</p> <p>6 And -- oh, speaking of that, you did 7 mention before when you were asked what you reviewed 8 in preparation for the deposition, you did mention 9 that you read this complaint; is that correct?</p> <p>10 A. Yes.</p> <p>11 Q. And --</p> <p>12 MR. HAMILTON: Objection.</p> <p>13 BY MR. HUGHES:</p> <p>14 Q. -- and so that's one of the things you 15 reviewed; is that correct?</p> <p>16 A. Yes.</p> <p>17 Q. And did you read that at another time 18 before this -- this case of violence involving --</p> <p>19 MR. HAMILTON: Objection.</p> <p>20 BY MR. HUGHES:</p> <p>21 Q. -- Mr. Furlow, you know, involving, you 22 know, when you responded, that another police 23 officer responded to claim of assault against a 24 female, and the accuser was Mr. -- that the person 25 who was being accused of committing the assault</p>	<p style="text-align: right;">Page 172</p> <p>1 MR. HAMILTON: Objection.</p> <p>2 BY MR. HUGHES:</p> <p>3 Q. And you went back how many times, do 4 you believe?</p> <p>5 A. I believe at least three.</p> <p>6 Q. Okay. So you went back to the house 7 three times so -- and then in addition to that, no 8 attorney ever called you up to say will turn himself 9 in; is that correct?</p> <p>10 A. Yes.</p> <p>11 Q. But according to the allegations in the 12 complaint, there is an attorney who apparently was 13 aware that Mr. Furlow was wanted on a -- what -- 14 that there was a wanted issued on Mr. Furlow; is 15 that correct?</p> <p>16 MR. HAMILTON: Objection.</p> <p>17 THE WITNESS: Yes.</p> <p>18 MR. HUGHES: Okay. Thank you, Officer 19 Walsh. I have no other questions.</p> <p>20 MR. HAMILTON: I have -- we requested a 21 very, very brief break. I just want to confer with 22 my team. If anything, I have just a handful of 23 questions. Really nothing. Two minutes, literally.</p> <p>24 THE VIDEOGRAPHER: Time is 1:24. We 25 are off the record.</p>

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<p style="text-align: right;">Page 173</p> <p>1 (Discussion off the record.) 2 THE VIDEOGRAPHER: The time is 1:27. 3 We are back on the record. 4 FURTHER EXAMINATION 5 BY MR. HAMILTON: 6 Q. Thank you, Detective Walsh. Just a few 7 clean-up questions, if you don't mind. 8 I want to go back to -- to your 9 responding to -- to the incident involving 10 Ms. Furlow. 11 You mentioned the presence of the AR15; 12 is that correct? 13 A. Yes. 14 Q. And this was -- you said you made the 15 gun safe and you put it into the car that Ms. Furlow 16 was driving away with, right? 17 A. Yes. 18 Q. Did you inquire any further about the 19 ownership of that car? 20 A. The ownership of the car? No. 21 Q. Okay. Did you inquire about what was 22 going to happen to that rifle specifically? 23 A. She said she was taking it to her 24 family's house in the city. 25 Q. Okay. You also -- you also learned</p>	<p style="text-align: right;">Page 175</p> <p>1 Q. Did you inquire about the whereabouts 2 of that -- that high-powered rifle? 3 A. Yes. 4 Q. And what did she say? 5 A. She said it was at her family's 6 house. 7 Q. And did she say anything about whether 8 Dwayne had access to it? 9 A. She said that he was not around. 10 Q. Okay. Did you inquire about her child 11 who was with Mr. Furlow? 12 A. I don't know. 13 Q. But taking all of this together, you 14 did not feel like you had enough information for a 15 warrant for Mr. Furlow's arrest; is that correct? 16 A. No. 17 Q. That's not correct? 18 A. No. 19 Q. Did you immediately take steps to try 20 and see -- apply for a warrant? 21 A. No, not until he was in custody. 22 Q. Okay. Even though, as you described, 23 Ms. Furlow was distraught upon your arrival at the 24 scene the day before, correct? 25 A. Yes.</p>
<p style="text-align: right;">Page 174</p> <p>1 that Mr. Furlow left with one of their children in 2 the car; is that right? 3 A. Yes. 4 Q. Did you -- were you concerned about the 5 safety of that child? 6 A. Always concerned about a child in a 7 domestic situation. But Mrs. Furlow didn't really 8 make any -- any mention of concern over it. 9 Q. But in your experience and 10 observation and based on the concern you just 11 mentioned, did you take any steps to ensure that 12 that child was okay? 13 A. Attempted to -- when I talked to 14 Mr. Furlow, I talked to him. And he didn't want to 15 answer anything. 16 Q. And I -- I believe you -- did you take 17 any independent steps to make sure that the child 18 with Mr. Furlow was okay? 19 A. No. 20 Q. Did you put out an Amber alert? 21 A. No. 22 Q. And did you ever inquire when you -- 23 well, you had occasion to speak to Ms. Furlow the 24 following day; is that correct? 25 A. Yes.</p>	<p style="text-align: right;">Page 176</p> <p>1 Q. And despite the presence of the 2 high-powered rifle; is that correct? 3 A. Yes. 4 Q. And despite knowing that one of the 5 children was with Mr. Furlow; is that correct? 6 A. Yes. 7 MR. HAMILTON: No further questions. 8 MR. HUGHES: I have no questions. 9 You have the right to read the 10 deposition and make changes if -- if the court 11 reporter made any mistakes, but this is being 12 televised anyway, and you have the right to change 13 your testimony but that's, you know -- 14 MR. HAMILTON: It's -- 15 MR. HUGHES: So -- so -- but you have a 16 right to waive that. 17 MR. HAMILTON: Objection. 18 Mike, do you want to say this off the 19 record? I don't know if this is -- 20 MR. HUGHES: No. Let's keep -- I 21 recommend you waive signature. 22 Would you like to waive signature? 23 THE WITNESS: Yes. 24 MR. HUGHES: Yes, okay. 25 THE VIDEOGRAPHER: The time is 2:31.</p>

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1 We are off the record. This concludes our
2 deposition of Kevin Walsh.

3 (Whereupon, signature was
4 waived and the witness was
5 excused at 1:30 p.m.)

6 --oOo--

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1 CERTIFICATE OF REPORTER

2

3 I, RENÉE COMBS QUINBY, a Registered Merit
4 Reporter, Certified Realtime Reporter, Certified
5 Shorthand Reporter (CA), Certified Court Reporter
6 (MO), Realtime Systems Administrator, and Notary
7 Public within and for the State of Missouri, do
8 hereby certify that the witness whose testimony
9 appears in the foregoing deposition was duly sworn
10 by me to testify to the truth and nothing but the
11 truth; that the testimony of said witness was taken
12 by stenographic means by me to the best of my
13 ability and thereafter reduced to print under my
14 direction.

15 I further certify that I am neither
16 attorney nor counsel nor related nor employed by any
17 of the parties to the action in which this
18 deposition was taken; further, that I am not a
19 relative or employee of any attorney or counsel
20 employed by the parties hereto or financially
21 interested in this action.

22 My Commission expires April 9, 2017

23

24

25 -----
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